App F IX 4

Previous References

1944-45
ml)

File No 42-44
Serial Nos 103, 109, 110, 111, 112

Later References
ml 42 45 (89 91)

GENERAL AND REVENUE SECRETARIAT

Serial Nos 5

250

Part B for Feb 4 45

SUBJECT

Election of Messrs T A Gopalaswami Iyengar & J H B Shanthrapaul as President & Vice President respectively of Bilaspur Municipality

The Compiler T G
L 86356 & L 86360 dated 21 2 4:
Confirms the

Letter No C1 C PR 13/44 dt 20-12-44 from the Mnl Comm. Berar reporting that Messrs M A Gopalaswamy Iyengar & H B Shankarappa were declared elected as President & Vice President of the city mnl cl respectively.
For perusal in the first instance
(Sd) C. R 21-12-44

Seen, but if you have anything further to note, please do that & resubmit the file in a day after the file is returned by the Diwan.
(Sd) C P 22/12/44

(Sd) N. M 25-12-44

Petitions contesting the validity of the election of the Pdt & the Vice Pdt have been filed by certain ctl councillors & reports have been called for separately from the mnl Commr. If approved, the receipt of the reports will be awaited

VKS 29/12

Reports since received & submitted separately

VKS 30/12

Petition dy 22-12-44 from Messrs L S Raju, D Venkataramanappa & A K Jayamuthu Raju, members of the Bangalore city mnl cl, contesting the validity of the election of Mr M A Gopalaswami Iyengar as the Pdt of the city mnl cl

Remarks of the Secretary to Govt, Law Deptt on the Petition:

"Presented by Mr L S Raju in person"
(Sd) C V 22-12-44

Submit with a draft letter to the mnl Comr Bcity calling for a report on the Petn

UKS 22/12 3) The report of election received from the Ml Comr relating to the office of the President & vice President of Bangalore city mnl has been submitted to the Minister R & L and the Dewan. Messrs M A Gopalaswami Iyengar & K S Shankaraiyya have been elected as President & vice President respectively

4) The present petition is filed, contesting the validity of the election of the Presidents only. Since certain allegations have been made therein, a report thereon is necessary

5) A draft letter to the Mnl Comr, calling for such a report is being prepared

GOV LAW DEPT 5154 GOVT OF MYSORE

Law Secy 22/12/44

6) for perusal
22-12 49

7) 23/12

8) Issue advice
26 12

22 DEC 1944 at 5-30 pm
1001
No

To The MC Comm, Bombay, thro PO
PO L 6364 dt 26-12-44
Calls for a report

MSA.

Petition dated 22-12-44 from Messrs A K Jayamuthu Rajan, D Venkata-Ramanappa and L S Rajan, Municipal Councillors B C H contesting the validity of the election of MR H B Shamsharappa as Vice-President of the said mnl cl

9 The petition bears a stamp of the value of Rs 2/- and it has been filed under Rule VII of the Rules regulating the Election of the President and Vice-President to the Bdy M L bds

10 A similar petition contesting the validity of the recent election of the President to the same mnl cl has been forwarded to the M L Commr for a report

11 This petition may perhaps be sent to the M L Commr for a detailed report.

12 Submit with a draft letter to the M L Commr calling for a report.

[Sd] 26/12/44

13 The Minister for Rev & Law & the Law Secy are absent from Headquarters on accounting Xmas Holidays

14 As this is an important matter it may stand over

15 Meanwhile may be recorded for perusal by the Law Secy & the Minister

[Sd] 28/12/44

To the Pol Commr, Bombay, thro the Pol
No L 6443 dt 28-12-44
Calls for a report — Ins A

Letter No C1.1467/43 dt 28-12-44 from the Pol Commr, Bombay forwarding a report in the matter

16) It is reported by the Pol Commr that the allegations referred to in the Petn regarding inducement are matters requiring enquiry & proof of which he is not personally aware of & that as regards the allegations referred in Para 8 of the petition Mr Azeezulla Beg was seen talking with Mr Ghouse Mohiuddin during the course of the Voting for the Presidentship — (Paras 2-7 of the Petition)

Subt for orders

VKS 30/12

Letter No C1.1467/43 dt 29-12-44 from the Pol Commr, Bombay stating that the allegations referred to in the petition regarding inducement are matters requiring enquiry & proof of which he is not personally aware of — (Ins rec at 5 PM)

17) Subt for orders

VKS 30/12

18 The elections for the offices of the President and Vice-President of Bangalore City Municipality for the calendar year 1945 were held at a special meeting of the Municipal Council convened on 20th December 1944

19 For the office of the President, Messrs M A Gopalswamy Iyengar and L S Raju were the competing candidates Mr Gopalswamy Iyengar who obtained 15 votes as against 12 secured by Mr L S Raju, was declared elected as President

20 For the office of the Vice-President, Messrs A F Jaya Muthu Raju and H B Shankarappa were the contesting candidates Mr H B Shankarappa who got 14 votes as against 12 secured by Mr A F Jaya Muthu Raju was declared elected as Vice-President

21 The Municipal Commissioner has reported the results of the above elections for approval of Government as required under Rules (b) and (c) of the Rules regulating the conduct of elections of Presidents and Vice-Presidents of City Municipal Councils

22 On 22nd December 1944, Messrs L S Raju, D Venkataramanappa and A F Jaya Muthu Raju who are members of the Bangalore City Municipal Council have filed petitions before the Government objecting to the elections of Messrs M A Gopalaswamy Iyengar and H B Shankarappa as President and Vice-President respectively They have prayed that an enquiry may be held into the allegations made therein and the elections be set aside These petitions are within the period of seven days prescribed in Rule 7 of the Election Rules referred to above

23) A report was called for from the Municipal Commissioner on the allegations made in both the objection petitions He has stated that the allegations referred to regarding inducement are matters requiring enquiry and proof of which he is not personally aware

24) The grounds urged against the elections of Mr M A Gopalaswamy Iyengar are as follows :-

(1) The election of Mr Gopalaswamy Iyengar as a member of the Bangalore City Municipal Council itself is in dispute and the case is pending before the District Court, Bangalore, the same having been filed by one Mr C Krishna Rao against him But this contention need not be considered at this stage as if the case is decided against Mr Gopalaswamy Iyengar he would automatically vacate his seat on the Municipal council

(2) Mr Gopalaswamy Iyengar is a candidate put up by the Congress party for the Presidentship The strength of the Congress party is only 13 while that of non-Congress Councillors is 14 excluding the Petitioner Mr T S Raju In the election, Mr Gopalaswamy Iyengar secured 15 votes This is alleged to have been done by inducing Messrs Azeezulla Baig and Ghouse Mohideen ---------- two nominated members belonging to the Muslim League ---------- to vote on behalf of the Congress nomination This inducement is said to amount to corrupt practice as a promise has been held out to Mr Azeezulla Baig to support his candidature for the Presidentship of the Municipal

in the year 1946 It is also stated that these two members did not vote for the Congress candidate Mr Gopalaswamy Ivengar himself in January and March 1944 when the election for the office of the President was held and therefore that they have not changed in favour of the Congress is due to the inducement of The above allegation seems to have been based only on a reasonable inference It is not known whether these two members have actually voted in favour of Mr Gopalaswamy Ivengar This can perhaps be verified only when the Ballot-box is actually examined and evidence adduced It is for orders if the Ballot-box may be got from the Municipality for examination It may, however, be stated, in this connection, that these are matters which have occurred beyond the four corners of the premises wherein the election was actually held and whether they need be taken cognisance of is a point for consideration No material irregularity seems to have occurred in the process of election which would materially vitiate it (3) It is alleged that Mr Azeezulla Baig was found whispering to Mr Ghouse Mohideen when the latter was called for the purpose of recording his vote This is stated by the Municipal ~~Council~~ Commissioner to be true But there is nothing in the rules preventing them from talking to each other and it is not also known if they spoke only about this subject viz, election of President or a particular candidate for the post

(4) The same allegations in regard to the inducement held out to Messrs Azeezulla Baig and Ghouse Mohideen have been made in the petition objecting to the election of Mr H B Shankarappa as Vice President.

Whatever decision is taken in the case of the election of the President would hold good in this case also

97) Under Rule (8) of the above Rules it is laid down that the Government may cause an enquiry to be made into the allegations contained in the objection petition by a Board consisting of (1) the Deputy Commissioner of the District (2) another Officer appointed by the Government and (3) a non-official Councillor deputed by the Municipal Council or consider the allegations themselves and pass such orders as they may think fit

98) It is for consideration whether the allegations made in the case are of such a nature as to require the matter being referred to a Board as contemplated in the rules It is seen that Mr M A Gopalaswamy Iyengar has secured a majority of three votes against Mr L S Raju and Mr H B Shankarappa one vote against Mr Jayavathu Raju in the elections held on 20 12 1944

for orders

Law dept for 7/1/45

99) The main allegation made in the petitions filed is that Mr K T Bhashyam, on behalf of the Congress Party designed to secure the votes of Mr Mirza Azizulla Baig and Mr Ghouse Mohideen for the Congress candidates by way of inducements amounting to corrupt practice viz, by promising to support the candidature of Mr Mirza Azizulla Baig to the office of the Presidentship for the year 1946 and that, on account of this promise, Mr Azizulla Baig who had a very keen desire and passion for the office of the Presidentship pledged himself to support and vote for the Congress Candidates and that he, who had sent up his nomination

PUD I

paper, withdrew his candidature and both himself and Mr Ghouse Mohideen were thereby induced to voted for the Congress candidates

30) If this allegation is substantiated, then a corrupt practice should be held to have been committed and the elections will have to be set aside

31) The rules regulating the election of the President and the Vice President to the City Municipal Councils make no provision regarding the grounds on which the validity of an election can be questioned In the absence of such a provision, the general principles of law regarding the conduct of elections become applicable For the purpose of elections, bribery amounting to a corrupt practice includes any gift, offer or promise by a candidate or his agent or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing -

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to -

(i) a person for having so stood or not stood, or for having withdrawn his candidature, or

(ii) an elector for having voted or refrained from voting

32) The term 'gratification' is not restricted to pecuniary gratification (Vide page 815 of Nanak Chand's Law and Practice of Elections)

Practically

33) Practically to the same effect are the provisions of Section 20(4) of the City Municipalities Act which defines "a corrupt practice" for the purpose of deciding the validity or invalidity of an election of a President elected by direct Vote Councillor when a petition is filed in the District Court

34) Therefore the petitioners have to establish

(1) that Mr Bhashyam, on behalf of the congress candidates who succeeded induced Mr Azizulla Baig and Mr Ghouse Mohideen to vote for them by holding out a promise that the candidature of Mr Azizulla Baig for the Presidentship for the year 1946 would be supported by the Congress Party, and

(2) that, in consequence of that promise, Mr Azizulla Baig withdrew his candidature and thereby enabled the Congress candidates to succeed

If this is proved, then it will amount to bribery

35) In the petitions two circumstances are alleged viz ,

(1) that the Congress Municipal Party had a strength of only 13 while the strength of t e non-congress Councillors was 14 excluding Mr ~~[illegible]~~ Respondent Raju and that, inspite of it, the Congress candidate suceeded, and

(2) that Mr Azizulla Baig and Mr Ghouse Mohideen who were nominated members belonging to the Muslim League which is opposed to the Congress and who had voted against the congress candidates in the previous elections voted for the congress candidates

This

36) This can only be taken into consideration as circumstantial corroborative evidence if the main allegations are proved.

37) It may also be pointed out in this connection that it is alleged in the petitions that Mr Azizulla Baig went near Mr. Ghouse Mohideen during the elections and whispered in his ears to remind him of his promise to support the congress candidates. This is also a matter to be proved by evidence

38) Rule 8 of the Election Rules provides that the Government may causing an enquiry being made into the allegations contained in a petition by a Board consisting of the Deputy Commissioner of the District, another officer appointed by Government and a non-official Councillor deputed by the Municipal Council

39) It is also alleged in the petition that the election of Mr Gopalaswamy Iyengar who secured the major number of votes for the Presidentship, even as a Councillor is being contested in the District Court, but this need not be taken into consideration in view of the provisions of Section 39 of the City Municipalities Act

CWS
9-1-45
pm

Minutes R & L

40) An enquiry may be made into the allegations by a Board as suggested in Rule 8. The ex-officio President of the M C may be asked to convene a meeting of the M C very

2.

urgently to nominate a
member for the Board within
4 or 5 days and the Dy Commissioner
who shall be the chairman of
the Board may thereafter enquire
& submit his report with his
findings in another 4 or 5 days
Regarding the officer to be
nominated by Govt, the Law
Secy may suggest 3 name for
Consideration

W/1

41) One of the following officers
may be appointed
1 Mr A V Nanjunda Rao B.A., L.L.B.
District Judge (Principal)
Bangalore (The High Court
has to be consulted)
2 Mr G B Mallanadhya M A
Spl Officer for Rural Development
3 Mr Sayd Dara Shah B A
Dy Commissioner of Income Tax
Cus
10 1-45

Shown to Govt
2.5.5 (4)

I have consulted the Hon'ble Court (the C J
in person). He thinks it is not fair to
nominate the Dist Judge as a mere member
if the chairman is, to be the DC therefore

The Committee may consist of (1) the D.C (chairman) (2) Mr Mallabha Subordinate Judge + (3) nominee of the M C M with the DC as ex-officio President of the M C to convene a first meeting within 3 or 4 days for the M C to elect a non-official Councillor to sit on the tribunal & the tribunal to frame its enquiry & submit its report with its findings and later if are weak plaintiff have the tribunal begins to sit

47) While the "President" is arranging to convene a meeting & send up the nominee within 3 or 4 days

Cir 11-1-45

To The Secretary Mysore
No L 6922 Dt 11 1 1945

Requests him to convene a meeting of the Board & urgently to send up the name of a non-member who may sit on the Board of enquiry to be appointed in the above matter

To The Registrar, High Court of Mysore
No L 7054 Dt 15 1 45

Requests him the approval of the High Court for the appointment of the enq

WD 0726—CPB—25 000—1-10-44

[illegible] for appointing Mr. [illegible]
[illegible] appointment by the Board
[illegible] (Chairman) (b) the Honourable
[illegible] High Court [illegible]
[illegible]
[illegible] that the High Court have
[illegible]
[illegible] appointment [illegible]
[illegible] the
[illegible] Board of Engineers
[illegible] been received from the
[illegible] expected that Mr. [illegible] B.A. B.Sc.
has been elected by the Municipal
Council as a member of the Board
of Engineers.

4) The High Court have also agreed
to the appointment of Mr. [illegible] as
a member of the said Board

4a) A draft [illegible] constituting the
Board to be sent for appl, as per
orders [illegible] Law [illegible] for
[illegible] 16/1/45

4b) For perusal before issue
[illegible]
17-1-45

[illegible]

47) [illegible] 17/1
17-1-45

48) 1) Letter [illegible] attire
of resolution [illegible] 17/1

103 To the Dy Comm, Bangalore
The Registrar High Court, Bloor
The Municipal Comm, Bangalore
No L7190-2 & 17-1-45
Directs the constitution of a Board to enquire into the allegations made in the Petitions and requests the Chairman to submit a report to Govt, within one week from the date the Board begins to sit. Subject after issue as directed in Para 48 supra

KKS
17/1/45

Law secy) for 17 1 45

For perusal
CM 18 1 45

Dewan

KCL
20/1/45
CM 22 1 45

Letter No P C 578 of 18-1-45 from the Dy Comr Bangalore dt intimating the procedure to be followed in connection with the enquiry to be held in respect of the election of the Pdt & Vice Pdt of the Bdg mect

In para one of his letter the Dy Comr has stated that orders appointing Messrs A J Khaleel & T N Mallappa have not been received by them

The Govt order appointing them to serve on the Board has been sent to the Ml Comr, Bdg & the Registrar High Court of Mysore

The connected file has been sent to the Dewan on 18-1-45

---- submit for orders

19/1/45

Law secy

19/1/45

They should have been granted leave

Leave

19-1-45

Submit with a draft letter for appl

19/1

Issue at once

To Messrs

A J Khaleel & T N Mallappa

No L 7319-20 of 22-1-45

forwards a copy of the ~~above~~ appointment to them as members of the Board.

Letter No PC 57/44 dt from the Dy Comr & Chairman, Board of Enquiry, re Election of Pol & Non Pol to the Cncl of Bangalore requesting that the ballot box in which the votes of the various members have been deposited & a copy of the report of the Mil Comrs reporting the results of the election may be arranged to be sent to him

Submit with a draft letter for appl

KHB 28/1

Law secy) 28/1/45

Cn 23-1-45

Immediate 28/1/45

To the Mil Comrs, Poona
No L7335 dt 23-1-45
Requests that the ballot box & the Report may be sent to the Chairman of the Board

To the Dy Comr & Chairman of the Board
No L7336 dt 23-1-45
forwards a copy of the above Memo No C.C P R 13/44 dt 24-1-45 from the Mil Comrs, Poona, forwarding a copy of his letter No C C P R 13/44-45 dt 24-1-45 to the Chairman in regard to the despatch of ballot box & the Report

Submit for perusal

KHB 26/1

26/1/45

The Board has submitted its unanimous report

As regards the main allegation made by the Petitioners viz that Mr Azizulla Baig who was himself a candidate for the post of the President not only withdrew his candidature but also voted for the Congress candidate and induced Mr Ghouse Mohideen to vote for the Congress candidate in consideration of the promise given by Mr K T Bhashyam on behalf of the Congress party to support the candidature of Mr Ghouse Mohideen for the President's place next year, it was conceded that if this allegation were true it would amount to an illegal inducement and a corrupt practice vitiating the election (para 3 of the report). The Board after considering the evidence ~~which was mostly Congress candidate~~, has given the following finding

"We, therefore, for the reasons mentioned above, hold that there was a definite understanding between Mr Bhashyam as representing his Congress Municipal party as well as the Parliamentary Board on the one side and Mr Baig as representing himself and Mr Ghouse Mohideen on the other that if these two should support the Congress candidate for Presidential and Vice Presidential elections this year, the Congress in return would support Mr Baig's candidature for Presidentship next year. That such an understanding existed is amply proved The fact that Mr Ghouse Mohideen broke the understanding at the last moment does not in any case affect the issue as both the parties and their Counsels have conceded that existence of an understanding of this

this kind is enough to vitiate the entire election even though the pact might not have been fully acted upon, and that if this was proved, the election will have to be set aside

The Board has also held that Mr Bhashyam, who had nominated Mr Gopalaswamy Iyengar and Mr Shankarappa to stand for election as the President and the Vice President -- respectively even without consulting them since his nomination was absolutely binding upon them, had acted as their agent and that the relationship between him and them was much stronger than that of an agency and that they were bound by his acts and his consequences.

The Board has also raised a new point not specifically mentioned by the Petitioners. In para 14 of the report -- they hold - "We are of opinion that in this particular case not only was there an inducement to obtain the votes of Mr Beig and Mr Ghouse Mohideen but that the thirteen votes of the Congress members have been obtained by Mr Bhashyam either in his representative capacity or acting under the authority of the Congress Parliamentary Board who definitely decided whether or not to put up the candidates for election and then directed the members to vote for their nominees under threat of the party discipline x x x A foreign body, the personnel of which is not known and who may not even be voters for elections of even Municipal Councillors and who have no direct contact with the Municipal members except through the Agency of Mr Bhashyam who was placed above all, has practically nominated the office-bearers and made a complete

complete farce of Election Law." This amounts to a corruption of the highest degree and the election deserves to be set aside on this ground alone in public interest "

The correctness of the law on the second point may be questioned but there can be no doubt about the correctness of the law regarding the first point. The Board has found on facts that Mr. Izizulla Beig not only withdrew his candidature but also voted for the Congress candidates in consideration of the promise that his candidature for the next year would be supported by the Congress Mr Ghouse Mohideen though he was a party to the pact changed his mind later, but this has been held by the Board not to affect the issue.

Under the election Law when gratification or offer of it proceeds from the candidate or his agent (Mr. Bhashyam in this case) a single proved instance of such a case is enough to avoid the election (vide pages 304 to 306 of Nanakchand's Law of Elections. (As I have pointed out in para 31 the general principles of election Law apply as there are no express rules on the point)

Rule (9) of Rules regulating the election of the President and the Vice President provides

"In the event of an election held not being approved by Government, Government may appoint the President or the Vice President as the case may be, or may order a fresh election".

13 2 45

Even when the objectionable phrases were filled I read through them I had a feeling that they lacked substance but it was only a mere to-see if somehow the election could be got set aside. After going through the report of the Committee I am now convinced that it was all a sheer waste of time and the petitions deserve to be summarily dismissed. The report of the Committee is an essay on the ethics of elections & parliamentary elections. Party-hoof is unintelligible for the working of democratic institutions (vide Bryce on "Modern Democracies" – the best authority on the working of democratic Govts.) The irregularities alleged are really no irregularities but are all incidental to the running of elections. Secret pacts & understandings are the rule rather than exceptions in elections. Mr. Bhaskaran was working on behalf of the Congress Parliamentary Board. The tactics employed are almost universal & are repeated in India throughout its length

and breadth & no one would ever dream of setting aside elections on pretexts of this kind nor is alleged or proved & hence the position of the petitioners is altogether weak & untenable & would confirm the election of the President & Vice-President Dewan)

TOM 14/2

2307/RLA

O I
16 FEB 1945
No 2675

MM 17/2/45

before issue orders may issue at once but let me see the draft order

TOM 18 2

CMS 19-2-45

Draft subd for approval

JOM 19/2

Law Secy) for 20/2/45

For approval

CMS 20 2-45

SECY LAW DEPT
6688
23 FEB 1945
GOVT OF MYSORE

OFFICE OF THE MINISTER FOR REVENUE & LAW
20 FEB 1945
No 2766

Minister RDZ

TOM 20/2

CMS 20 2-45

issue orders

for 20/2/45

Issue draft notes putting aside

for 20/2/45

To. The Dy Commr Bangalore Dt.
The Mel Commr, Bdrs
No L 8292-3 Dt 20-2-45
Approves of the election of Messrs M A Gopalaswami Iyengar & H B Shankarappa as Pdt & Vice Pdt of the Bdrs Mel cl
To The Compiler Mysore Gazette
No L 8356 Dt 21-2-45
Notifies the election of Mr M A Gopalaswami Iyengar, M A, B L, as Pdt of the Bdrs Mel cl
To The Mel Commr, Bdrs,
The Dy Commr, Bldr Dt
The Comptroller
No L 8357-9 Dt 21-2-45
Forwards a copy of the above
To The Compiler Mysore Gazette
No L 8360 Dt 21-2-45
Notifies the election of Mr H B Shankarappa as Vice Pdt of the Bdrs Mel cl
To The Mel Commr, Bdrs thro Pdt
The Dy Commr, Bangalore Dt
The Comptroller
No L 6361-3 Dt 21-2-45
Forwards a copy of the above

110

112

submit with a draft letter for appl

UHS 22/2 JM

It is proposed to issue an endorsement in the form of a letter to Mr Les Raja & other Ml Councillors. Opt. is accordingly submit for appl

Lawsey for 22/2/45

Ans 23-2-45

Issue for 23/2/45

Mr Les Raja MA, (Hons) B.R., & other Ml Councillors, Bangr

No L8489 dt 23-2-45

States that Govt. see no reason to set aside the elections already held & that their petitions are accordingly dismissed

Application dt 23-2-45 from Mr M.A Gopalaswamy Iyengar, praying for the grant of a copy of the orders of Govt on the election petition & for a copy of the report of the Board of Enquiry

Copies of orders asked for by Mr M.A Gopalaswamy Iyengar are flagged "A & B" & submit for orders

UHS 24/2 JM

A copy of the order may be given on production of paper & copying fee

But the report of the Board of enquiry cannot be given

If approved, the petitioner may be informed accordingly

Lawsey for 24/2/45

WD 0726-50PB-(L-2,000)-13 9 44

We need not give him any information nor
of the produce papers of the
copy of the G O which is
a private document to all the
given

24-2-43

Noted

A copy of the GO has been
~~forwarded~~ given to the party as requested
If applied, the papers will be filed 24-5
C W --- please record
these papers when come
before sending it down to the
pert records this be done carefully

30/4/43

28/4

BANGALORE CITY MUNICIPALITY 4211

No C1 C P R 13/44

Encl one

MUNICIPAL OFFICES,

Bangalore 20th December 1944

FROM

R MADHAVAN, Esq, B A,
~~P.SURYANARAYANASETTY, ESQ.,~~
Acting MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C NARAYANASWAMI NAIDU, ESQ, B A, B L,
LEGAL REMEMBRANCER & SECRETARY TO GOVERNMENT,
LAW DEPARTMENT, BANGALORE

SIR

In continuation of my letter No C1 C P R 13/44 of the 28th November 1944, I have the honor to state that the elections for filling up the Offices of the Honorary President and Vice-President of the Council for the period 1-1-1945 to 31-12-45 were held at the Special Meeting of the Council held this morning Messrs P Sivashankar, M A Gopalswamy Iyengar Mirza M Azeezulla Beig and L S Raju were the candidates nominated for the Presidentship On the day of Election, both Mr P Sivashankar and Mr Mirza M Azeezulla Beig withdrew their candidature, leaving Mr M A Gopalswamy Iyengar and Mr L S Raju to contest the Election At the election held by ballot, Mr M A Gopalswamy Iyengar secured 15 votes while Mr L S Raju got 12 votes and this was informed to the Council

For the Office of the Vice-President, Messrs A K Jayamuthuraju, H B Shankarappa and D Venkataramanappa had sent in their nominations and before the election took place, Mr D Venkataramanappa withdrew his candidature, leaving Mr A K Jayamuthuraju and Mr H B Shankarappa to contest the election Here also the election was by ballot and Mr A K Jayamuthuraju got 13 votes against 14 votes secured by Mr H B Shankarappa The result of election was then intimated to the Council

A copy of the Proceedings of the Council is herein enclosed for your favour of orders of Government under Rule 6 of the rules relating to the Election of President and Vice-President of the

SECY LAW DEPT 21 DEC 1944 GOVT OF MYSORE

21 DEC 1944

21 DEC 1944 No. 990

4256

Seen, but if you have anything further to write, please do not revert the file in a day or two. The file is returned by the Dewan

the City Municipal Councils

I have the honor to be,

S i r,

Your most obedient servant

R Ragathasan

Municipal Commissioner (a ting),

gns

Forwarded with compliments

C N Narasimhan

Honorary President

Minutes of the proceedings of the Special meeting of the City Municipal Council, Bangalore, held on Wednesday the 20th December 1944 at 9 A M in the Council Hall of the City Municipal Offices, Bangalore

p r e s e n t

C N Narasinga Rau, Esq , B A ,B L ,
Honorary President

Messrs

1 M V Veerappa
2 G R Ethirajulu Naidu,B A ,B L
3 N Kesaviengar,B A B L
4 W H Hanumanthappa
5 Ramalal Thiwari
6 G Nanjappa
7 C Chenniah
8 Singam Rangaswamappa
9 S Visva Murthy, B A
10 P V Ramachandra Gupta
11 H B Shankarappa
12 D Venkataramanappa
13 B N Gupta
14 K N Ramaswamy, B A
15 P Sivashankar,B A ,LL B
16 L S Raju,M A(Hons)B L
17 T T Sharma
18 M A Gopalaswamy Iyengar,M B
19 M K Narayana Iyengar,B A B
20 Mrs Dwaraka Bai Vedantam
21 H C Suryanarayana Rao
22 K M Naganna
23 K Ambrose Anenda,B A ,B T
24 A K Jayamuthuraju
25 Misrilall Paraemull
26 S Ghouse Mohiyuddin
27 A J Khaleel,B A ,B L
28 Mirza M Azeezulla Beig

A b s e n t

Mr P R Ramiah, B Sc

The President read out the rules relating to the election of the President and Vice President for the guidance of the House and explained the same in Kannada also

He next informed the House that out of the four candidates for the Presidentship, viz , Messrs P Sivashankar, M A Gopalaswami Iyengar, Mirza M Azeezulla Beig and L S Raju, Messrs P Sivashankar and Mirza M Azeezulla Beig had sent in applications withdrawing their candidature and that the election had to be between Mr M A Gopalaswami Iyengar and Mr L S Raju He said that the names of the candidates who had withdrawn would be scored out He then scored out the names of the two candidates who had withdrawn, on the envelopes and initialled the scoring out Then the covers with the scored out names and the names of the

the names of the contesting candidates were shown to the Councillors and the candidates

The election then took place by ballot, a separate booth having been arranged in the Council Hall itself The ballot box was shown to the House before locking and sealing it and then it was placed in the booth Out of the 29 councillors present (Mr P R Ramiah being absent), 27 took part in the elections Out of the 27 votes polled, Mr M A Gopalaswami Iyengar secured 15 votes as against 12 secured by Mr L S Raju The president announced the result of election to the House

Then the election of Vice President took place The president informed the House that three candidates, viz , A K Jayamuthuraju, H B Shankarappa and D Venkataramanappa had been nominated to the Office of the Vice President and that Mr D Venkataramanappa had sent in an application withdrawing his candidature and that there were only two candidates, Messrs A K Jayamuthuraju and H B Shankarappa, contesting the election for the Office of the Vice President The President then scored out the name of Mr D Venkataramanappa on the envelopes and intialled the same The covers were then shown to the Members and the Candidates

Then the election took place by ballot, and 27 members excluding the two candidates took part in the election. Mr A K Jayamuthuraju got 13 votes while Mr H B Shankarappa secured 14 votes The result of election was then announced in the House

Then the ballot papers were kept in the ballot box and locked and sealed in the presence of the Members and the keys of the box were kept separately in a sealed cover and both these were then kept in the safe in the custody of the Commissioner

Then the meeting terminated

C N Narasimha
Honorary President

4223

(16)

presented by the L S Raju in person on 22 12 44

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE

Petition No. _____ of 44-45.

Petitioners - L S Raju, M A (Hons), B L ,Municipal Council-lor & Advocate, Sita Vilas, Basavangudi, Bangalore City

2 D Venkatraiyanaiah Municipal Councillor of Bangalore City

3 A K Jayarama Rao Municipal Councillor Bangalore City

VS

Respondent M A Gopalasamy Iyengar, Advocate, and Municipal Councillor, Shankarpur, Bangalore City

Under Rule VII of the Rules regulating the Election of the President and Vice-President to the City Municipal Council, the above petitioners beg to submit as follows

1 The petitioners are the Councillors of the Bangalore City Municipal Council. The Respondent is also a Councillor of the Bangalore City Municipal Council

2 On the 20th December 1944 a Special Meeting of the Bangalore City Municipal Council was called for the purpose of electing a President and a Vice-President for the period 1st January 1945 to 31st December 1945 The 1st Petitioner and the Respondent were

were the contesting rival candidates for the Office of the Presidentship At the said Election the 1st Petitioner was declared to have secured 12 votes, while the Respondent was held to have secured 15 votes The Petitioners beg to contest the validity of the Election of the Respondent as President on the following grounds among others

(1) The Petitioners submit that the Respondent is a Councillor elected on the Mysore Congress Ticket In Mis 94/43-44 on the file of the District Judge, Bangalore, the election of the Respondent is itself in dispute and the same has not been finally decided and the case itself is posted to 5th January 1945 and the Petitioner is one Mr C Krishna Rao Besides the Respondent there are 13 other Members elected on the Mysore Congress Ticket in the Municipal Council

(2) The choice of a candidate for the Office of the Presidentship on behalf of the Congress Party was, the Petitioner understands, entrusted by the "High Command" of the Mysore State Congress to one Mr K T Bhashyam, ex-President of the Congress The said Mr K T Bhashyam in consultation with the Municipal Council Congress Party decided to nominate the Respondent for the Office of the Presidentship and accordingly the Respondent's nomination paper was filed

(3) Since excluding the Respondent the strength of the Congress Party in the Municipal Council was only 13, while the strength of the non-Congress Councillors was 14 excluding the 1st Petitioner who was also a candidate for the Office of the Presidentship, the aforesaid Mr K T Bhashyam on behalf of the Municipal Council Congress Party designed to secure at least two votes from the non-Congress Members of the Council by way of in-

inducements amounting to corrupt practice, a real majority for the Congress Candidate, viz , the Respondent

(4) Accordingly the Petitioners understand that the said Mr K T Bhashyam on behalf of the Respondent, has induced two non-Congress nominated Members of the Municipal Council, viz Mr Mirza Azizulla Baig and Mr Ghouse Mohideen to cast their votes in favour of the Respondent on the understanding that if they did so, the Congress Party would support the candidature of Mr Azizulla Baig to the Office of the Presidentship in and for the year 1946.

(5) The petitioners submit that both Mr Azizulla Baig and Mr Ghouse Mohideen are nominated Members of the Council and belong to the Muslim League They did not also support the Respondent in the two Elections held this year in the months of January and March 1944 w he contested the Office of the Presidentship in opposiri to Mr C R Narasinga Rao

(6) Knowing Mr Mirza Azizulla Baig's very keen desire and passion for the Office of the Presidentship, the aforesaid inducement has been offered on behalf of the Congress Party to him and his very close friend and associate, Mr Ghouse Mohideen This inducement was, the Petitioners understand, accepted by both the persons and accordingly they appear to have pledged themselves t support the Respondent

(7) In consequence of this Mr Azizulla Baig who had also been nominated by Mr Ghouse Mohideen and --- another to the Office of the Presidentship in the present Election for the year 1945 withdrew his candidature just before t e meeting on 20th December 1944

(8) The Petitioners further submit that when the actual voting for the Presidentship was taking place,

just at the time when Mr Ghouse Mohideen's name was called for the purpose of recording his vote, Mr Azizulla Baig who was sitting further away came near him and whispered to him in his ears, apparently to remind him of the support to the Congress Candidate as per understanding as aforesaid

(9) Petitioners therefore submit that the Respondent secured and must be deemed to have secured at least two votes through inducement amounting to corrupt practice and rendering his election invalid and liable to be set aside

(10) Petitioners therefore pray that the Government may be pleased not to approve of the Election of the Respondent, hold an enquiry and set aside the Election

Petitioners pray that the ballot papers be also sent for

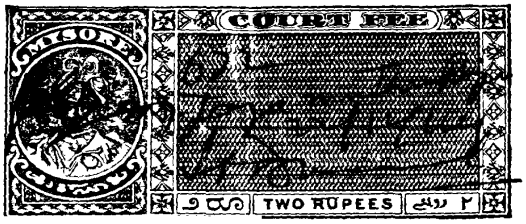
Bangalore,
Dated 22nd Decr 1944

Lesh-ayy
Dhenkalaramanappa
A Th Jayamuthappa

PETITIONERS

I L S-Rao I petr aforenamed do hereby declare that the foregoing is true to the best of my knowledge

Lesnaye
22 12 44



(9)

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE

Petition No of 44-45

In person
Cus
22-12-
new
5 PM
on 23/12/4
23/12/4
x 20
Recd on
20/12/4
4 4 PM

Petitioners - 1 A K Jayamuthuraju, Municipal Councillor, Doddapalya, Bangalore

2 D Venkataramanappa, Municipal Councillor, Bangalore City

3 L S Raju M A (Hons) BL Advocate and Municipal Councillor, Bangalore City

Respondent - H B Shankarappa, Municipal Councillor, Bangalore City

Under Rule VII of the Rules regulating the Election of the President and Vice-President to the City Municipal Council, the above petitioners beg to state as follows:

1 The petitioners are the Councillors of the Bangalore City Municipal Council The Respondent is also a Councillor of the Bangalore City Municipal Council

2 On the 20th Decr. 1942 a Special Meeting of the Bangalore City Municipal Council was called for the purpose of electing a Vice-President for the period 1st January 1945 to 31st December 1945 At the said election the respondent was pronounced to have secured a majority of votes for the Vice-Presidentship The petitioners beg to contest the validity of the

the Election of the respondent as Vice-President on the following grounds among others -

GROUNDS

(1) The choice of a candidate for the office of the Vice-Presidentship on behalf of the Congress Party was, the petitioner understands, entrusted by the "High Command" of the Mysore State Congress to one Mr K T Bhashyam, ex-President of the Congress The said Mr K T Bhashyam in consultation with the Municipal Council, Congress Party decided to nominate the respondent for the office of the Vice-Presidentship and accordingly the Respondent's nomination paper was filed

(2) Since excluding the Respondent the strength of the Congress Party in the Municipal Council was only 13 while the strength of the non-Congress Party was 14 excluding the 1st petitioner who was also candidate for the office of the Vice-Presidentship, the aforesaid Mr K T Bhashyam on behalf of the Municipal Congress Party designed to secure at least a vote from the non-Congress Members of the Council ~~with a view to secure~~ by way of inducements amounting to corrupt practice, thereby securing a real majority for the Congress Candidate, viz , the respondent

(3) Accordingly the said Mr K T Bhashyam has induced at least one non-Congress nominated Member of the Municipal Council, viz Mirza Azizulla Baig to --- caste his vote in favour of the respondent on the understanding that if he did so, the Congress Party would support the candidature of Mr Azizulla Baig to the office of the Presidentship in and for the year 1946

(4) The petitioners submit that Mr Azizulla Baig is a nominated member of the Council and belongs to the Muslim League Knowing Mr Mirza Azizulla Baig's very keen desire and passion for the office of Presidentship

Presidentship, the aforesaid inducement was offered on behalf of the Congress Party to him This inducement was accepted by Mr Azizulla Baig and accordingly he appears to have pledged himself to support the Respondent and he has actually done so

(5) In consequence of this Mr Azizulla Baig who had also been nominated by Mr Ghouse Mohideen and another to the office of Presidentship in the present Election for the year 1945 withdrew his candidature just before the meeting on 20th December 1944

(6) Petitioners therefore submit that the Respondent secured and must be deemed to have secured one vote more through inducement amounting to corrupt practice and rendering his Election invalid and liable to be set aside

(7) Petitioners there-fore pray that the ---- Government may be pleased ~~to~~ not to approve of the Election of the Respondent, hold an enquiry and set aside the election

A K Jayamutharaju
Venkataramanappa
Lenapi

Bangalore,
Dated 22nd Decr 1944

PETITIONERS

c MeP

L-6364 (with)

To The Mil Comm, Bdg, 26/12/44

~~thro the DDL~~

Sir,

I am directed to forward herewith ~~a copy of~~ Petition in original received from Messrs L.S Raju, M A (Hons), B L, D. Venkataramappa & AK Jayamuthu Raju, members of the Bdg Mil cl, contesting the validity of the election of Mr. M.A Gopalaswami Iyengar, as the Pdt of the city Mil cl, Bangalore and to request you to forward a report to us on the points raised ~~in the Petn~~ therein, ~~to ignore the Vernacular~~ very urgently

The petn may be returned with your report

I have etc

Jan

Cus 26.12.44

Mr. Scott-Lang
Edu Deptt

~~Put this to file~~

~~To Mr Odt~~

L-6443 enc. 1 28/12/44

To the Municipal Comr
Bangalore City
Bangalore

Sir

I am directed to forward herewith petition of 22.12.44 received from Messrs L. Raja, D. Venkata Ramanappa & Ale Jayamuthuraju members of the Bangalore City Municipal Council, contesting the validity of the election of Mr H.R. Thankappa as the Vice-President Bangalore City Municipal Council & to request to forward a report to Govt on the points raised therein immediately.

The petition may be kindly returned with your report.

I have the honour to be
Sir
Your obedt servt

4300/-

BANGALORE CITY MUNICIPALITY

No C1-4467-43

Encl one

MUNICIPAL OFFICES

Bangalore 28th Decr. 1944

FROM

R Madhavan Esq, B E
~~P SURYANARAYANA RETTY ESQ, B A, LL B~~
MUNICIPAL COMMISSIONER (Acting)
BANGALORE CITY

To

C Narayanaswamy Naidu, Esq B A, B L
LEGAL REMEMBRANCER & SECRETARY TO THE GOVERNMENT
O HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 6364 dated 26th December 1944 calling for a report on the petition of Messrs L S Raju D Venkataramanappa and A F Jayamuthuraju members of this Municipal Council contesting the validity of the election of Mr M A Gopalaswamy Iyengar as the President of the Municipal Council, I have the honour to state that as reported already Messrs M A Gopalaswamy Iyengar and L S Raju were the competing candidates for the Presidentship at the election held on 20-12-1944 The allegations referred to in the petition regarding inducement are matters requiring enquiry and proof of which I am not personally aware

Secondly as regards the allegations referred to in Para 8 of the petition Mr Azeezulla Beig was seen talking with Mr Ghouse Mohiyuddeen during the course of the voting for the Presidentship

The petition received with your letter under reference is returned herewith as desired

I have the honour to be,
Sir,
Your most obedient servant

R Madhavan 28/12/44
Municipal Commissioner (Ag)

Forwarded with Compliments
C N Narayanaswamy
Hon President

BANGALORE CITY MUNICIPALITY

No C1-1467-43 MUNICIPAL OFFICES

Encl One

Bangalore 29th December 1944

FROM R Madhavan, Esq , B L

MUNICIPAL COMMISSIONER (Ao)

BANGALORE CITY

To

C [illegible] ALI [illegible]DU, [illegible] ,B A , L ,

LEGAL REMEMBRANCER & SECRETARY TO THE GOVERNMENT

OF HIS HIGHNESS THE MAHARAJA OF MYSORE

LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 6443 dated 28-12-1944, calling for a report on the petition of Messrs A K Javamuthu Raju, D Venkataramanappa and L S Raju M A (Hons)B L members of this Municipal Council contesting the validity of the election of Mr H B Shankarappa as the Vice President of this City Municipal Council I have the honour to state that, as reported already Messrs H B Shankarappa and A K Javamuthu Raju were the competing candidates for the Vice Presidentship at the election held on 20-12-1944 The allegations referred to in the petition regarding inducement are matters requiring enquiry and proof of which I am not personally aware

The petition received with your letter under reference is retransmitted herewith, as desired

I have the honour to be,
Sir,
Your most obedient servant

MUNICIPAL COMMISSIONER (Ao)

Forwarded with Compliments

HON PRESIDENT

L 6922 (436)
Mil
Immediate General & Rev Secrt
Confidential Bangalore
11-1-1945

From: The Secy to Govt
Revn Deptt, Bangalore

To: The Dy Commr,
Bangalore Dist
& Ex-officio President,
City Mnl Cl, Bangalore

Sir,

With reference to letter No C1 C PR 13/44 Dt 2-1-45 of the Mnl Commr, Bcalr, reporting that you have assumed charge of the office of the Honorary Pdt Bangalore City Mnlty on the afternoon of the 31st Decr 1944, I am directed to state that, in connection with the petitions filed by Messrs L.S Raju & two other Municipal Councillors contesting the validity of the election of Messrs M A. Gopalaswamy Iyengar & H B Shankaraappa as the Pdt & the Vice Pdt of the Mnl Cl respectively, the Govt have decided to appoint

a Board, as contemplated in rule 8 of the rules regulating the election of Pdts & Vice Pdts of Cap mil cls, to enquire into the allegations contained therein & to submit its report with its findings

In this connection I am to request that a special general meeting of the Pbcity mil cl may be urgently convened within three or four days for the election of a non-official Councillor by them (Rule 8(c). of the above rules) to sit on this Board & to forward his name to Govt urgently

I have etc
from
For Secy to Govt
Wm Law Secy

~~Mr. G. Ramachandra Rao, B.A.,~~
~~Asst. Secretary to Government,~~

~~L. S. G. Branch,~~
Public Offices,
Bangalore, dated 13-1-1945

Dear Sir,

I am desired to state that, in connection with the petition filed by Messrs L S Raju and two other Municipal Councilors of Bangalore City Municipality contesting the validity of the election of Mr M A Gopalaswami Iyengar and Mr H B Shankarappa as President and Vice-President of the Bangalore City Municipal Council respectively, the Government have ~~decided~~ to appoint a board as contemplated in Rule No 8 of the rules regulating the election of Presidents and Vice-Presidents of City Municipal Councils, to enquire into the allegations contained therein and to submit their report to Government

Government propose to appoint Mr T N Mallappa, Sub-judge, Bangalore as one of the ~~Officers to sit on the said~~ Members of Board of enquiry The enquiry may not last more than ~~three or four~~ three days I am to request that the approval of the High Court may kindly be

P T O

conveyed to appoint him as a member of the Board

Yours sincerely,

To

N Samaiengar, Esq , B.A , LL.B.,
Registrar, High Court, Bangalore

4 copies

READ -

Petition dated 22-12-1944 by Messrs L S Raju

Mr C NARAYANASWAMY NAIDU BA BL
Secretary to Government
Law Department

PUBLIC OFFICES
Bangalore 13th January 194
15

"CONFIDENTIAL"

Do No L 7054/Me

Dear Sir,

I am desired to state that, in connection with the petition filed by Messrs L S Raju and two other Municipal Councilors of Bangalore City Municipality contesting the validity of the election of Mr M A Gopalaswami Iyengar and Mr H B Shankarappa as President and Vice-President of the Bangalore City Municipal Council respectively, the Government have decided to appoint a Board as contemplated in rule No 8 of the rules regulating the election of Presidents and Vice-Presidents of City Municipal Councils, to enquire into the allegations contained therein and to submit their report to Government

Government propose to appoint Mr T N Mallappa, Sub-judge, Bangalore as one of the members of the Board of enquiry The enquiry may not last more than three or four days I am to request that the approval of the High Court may kindly be conveyed to appoint him as a member of the Board

Yours sincerely,

To

N Samaiengar, Esq , B A , LL B ,
Registrar, High Court, Bangalore

D.O No 12/44-45

N. SAMAIENGAR, B A ,LL B ,
REGISTRAR

CONFIDENTIAL

BANGALORE

Dated 16th Januar, 1945

Dear Sir,

With reference to your D O letter No L 7054/L dated 15th Januar, 1945 stating that Government propose to appoint Mr T N Mallappa, Subordinate Judge of Bangalore, as one of the members of the Board of enquiry in connection with the petition filed by Messrs L S Raju and two other Municipal Councillors of Bangalore City Municipality contesting the validity of the election of Mr M.A Gopalaswami Iyengar and Mr H B Sankarappa as President and Vice-President of the Bangalore City Municipal Council respectively and requesting the approval of the High Court to appoint him as a member of the Board, I am desired to state that the High Court have no objection to the appointment of Mr T N Mallappa, Subordinate Judge of Bangalore as one of the members of the Board of enquiry as proposed

Yours sincerely,

N. Samaiengar

To

C Narayanaswami Naidu, Esq ,B A ,B L ,
Legal Remembrancer and
Secretary to Government,
Law Department,
BANGALORE

4 copies

READ

Petition dated 22-12-1944 by Messrs L S Raju D Venkataramanappa and A K Jayamutha Raju, Members of the Bangalore City Municipal Council, contesting the validity of the election of Mr M A Gopalaswami Iyengar, Municipal Councillor, Bangalore City as the President of the Bangalore City Municipal Council, at the meeting of the Municipal Council held on 20-12-1944

Rl 42-44-103

2. Petition dated 22-12-1944 from the above Councillors contesting the validity of the election of Mr H B Shankarappa as Vice-President of the Bangalore City Municipal Council at the meeting held on 20-12-1944

ORDER NO - L 7190-2 Enc Petitions
BANGALORE, DATED 17-1-45

Having regard to the allegations made in the above petitions, Government are pleased to direct that an enquiry ~~may~~ be made into them by a Board consisting of the following Members, as laid down in rule 8 of the rules regulating the election of Presidents and Vice Presidents of the City Municip Councils -

1) The Deputy Commissioner, Bangalore District (Chairman)
2) Mr. T N Mallappa, Subordinate Judge, Bangalo
3) Mr A J Khaleel, Municipal Councillor electe by the Bangalore City Municipal Council

The Board is requested to commence its enquir forthwith and to submit to Government its report with its findings on the several allegations made the above petitions, within one week from the date the Board begins to sit

Immediate
L 17 1 45

CWS 17 1 45

for LAW SECRETARY TO GOVERNMENT

To -
1) The Deputy Commissioner, Bangalore District
2) The Registrar, High Court, Bangalore
3) The Municipal Commissioner, Bangalore City

Into the petitions in original

4757

3 Copies Extra

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read -

Petition dated 22-12-1944 by Messrs L S Raju, D Venkataramanappa and A K Jayamuthu Raju, Members of the Bangalore City Municipal Council, contesting the validity of the election of Mr M A Gopalaswami Iyengar, Municipal Councillor, Bangalore City as the President of the Bangalore City Municipal Council, at the meeting of the Municipal Council held on 20-12-1944

2 Petition dated 22-12-1944 from the above Councillors contesting the validity of the election of Mr H B Shankarappa as Vice-President of the Bangalore City Municipal Council at the meeting held on 20-12-19

ORDER NO - L 7190-2/ML 42-44-103
Enc Petitions BANGALORE, DATED 17th January 1945

Having regard to the allegations made in the above petitions, Government are pleased to direct that an enquiry be made into them by a Board consisting of the following Members, as laid down in rule 8 of the rules regulating the election of Presidents and Vice-Presidents of the City Municipal Councils -

1) The Deputy Commissioner, Bangalore District -- CHAIRMAN
2) Mr T N Mallappa, Subordinate Judge, Bangalore
3) Mr A J Khaleel, Municipal Councillor elected by the Bangalore City Municipal Council

2 The Board is requested to commence its enquiry forthwith and to submit to Government its report with its findings on the several allegations made in the above petitions, within one week from the date the Board begins to sit

For Secretary to Government,
Law Department

To -

1. The Deputy Commissioner, Bangalore District with the petitions in original
2 The Registrar, High Court, Bangalore
3 The Municipal Commissioner, Bangalore City.

475

Immediate & Confidential

Mr Mahomed Ismail Sheriff, B A ,
Deputy Commissioner
-:oOo:-

No P C 57/44

Bangalore,
18th Jan 1945

Dear Sir,

I am in receipt of your G O No L 7190-2/M1 42-44-103 dated the 17th January 1945 appointing a Board for making enquiries into the validity of the election of President and Vice President to the Bangalore City Municipal Council under rule 8 of the rules regulating the election of Presidents and Vice Presidents of the City Municipal Councils and to state that I wrote demi-officially to Mr T N Mallappa and Mr A J Khaleel requesting them to meet me at 3 P M today in my Office Chambers It appears that the orders of Government have not been yet communicated by you to Mr A J Khaleel and to Mr Mallap from the High Court I request that the same may be communicate to them immediately to enable us to begin the work forthwith

2 We met, however, informally today in my Chambers and discussed the procedure to be adopted during the enquiry In view of the fact that the parties have to be summoned ~~to the~~ and that Penultimate Saturday and Sunday have intervened, it was decided that the earliest date on which the enquiry could commence will be Monday the 22nd instant The parties - petitioners and Respondents - will be requested to appear before the Board on the date under a letter of request The Steno-typists of my office and that of the Sub Court will be present to take down notes of evidence as witnesses are examined alternatively It is proposed that the notes of evidence must be got typed as soon as the witness is over and then during the time the other Steno-typist takes down the evidence The Board will sit between 3 and 5-30 P M each day The memorandum of evidence will be dictated in English and these notes will form part of the enquiry In case the party wants the summoning of any witnesses, they will be called under letters

of request

3 It was also decided that with a view to obtain solemnity to the evidence offered, "Evidence on oath" will be taken, but if anyone refuses to swear, it will not be insisted upon Re the idea whether the enquiry should be conducted in Camera or in a general but restrictive manner or have it completely open, the matter was left open to be decided in the light of any representations that may be made by the parties as to the particular procedure to be followed and so also whether parties should be allowed to appear by Counsels and to cross-examine witnesses as in the case of judicial proceedings was also left open to be decided according to the circumstances that may arise at the time of enquiry

4 A suggestion was made by Mr A J Khaleel to obtain orders of Government to send for the Ballot boxes and examine it if necessary, in view of the definite allegations made in the petition that particular votes were obtained by offer of inducement to the members but it was considered unnecessary for the present to do so If the parties make representation to that effect and point out the provision of law under which it could be done, the same will be decided on merits

The Members will be very happy if you can favour them with your views in the matter in case you think that any particular procedure indicated above requires any modification In the absence of instructions, we will presume that the procedure suggested above meets with your concurrence

Yours sincerely,

Narayana Rao, Esq., B A, B L.,
Legal Remembrancer & Secretary to Government,
Law Department, Bangalore

L-7319-20 3 Copies 22/1/41

To

(1) Mr T N Mallappa, BA, LLB,
Subordinate Judge,
Bellary

(2) Mr A J Khaleel, BA., BL
Bar Councillor & Advocate,
Bellary

Sir,

I am directed to forward herewith for information a copy of GO No L 7190-2/Misl 42-44-103 dt 17-1-1945 ~~sanctioning the~~ affording you as a member of the Constitution ~~tion of a Board~~ ~~Calle~~ ~~to enquire~~ Petitions ~~made~~ filed by Mr L S Raghu & others contesting the validity of the election of Messrs M. A Kotalaswami Iyengar & B Shankarappa as Pdt & Vice Pdt of the Bellary Mun Cl respectively ~~and appointing Jotava~~ member to serve on the

Aga/3

Said Board

I have etc

for

Inspector General

Wks Law Depk

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 7319-20 *Dated Bangalore* 22 January 1945

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

Sir,

I am directed to forward herewith for information a copy of G O No L 7190-2/M1 42-44-103, dated 17th January 1945 appointing you as a member of the Board constituted to enquire into the petitions filed by Mr. L S Raju and others contesting the validity of the election of Messrs M A Gopalaswami Iyengar and H B Shankarappa as Presidents and Vice-Presidents of the Bangalore City Municipal Council respectively.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Law Department

Aga/3

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Petition dated 22nd December 1944 by Messrs L S Raju, D Venkataramanappa and A K Jayamuthu Raju, Members of the Bangalore City Municipal Council, contesting the validity of the election of Mr M A Gopalaswami Iyengar, Municipal Councillor, Bangalore City as the President of the Bangalore City Municipal Council, at the meeting of the Municipal Council held on 20th December 1944

2 Petition dated 22nd December 1944 from the above Councillors contesting the validity of the election of Mr H B Shankarappa as Vice-President of the Bangalore City Municipal Council at the meeting held on 20th December 1944.

Order No L 7190-2/M1 42-44-105

Dated, Bangalore the 17th January 1945

Having regard to the allegations made in the above petitions, Government are pleased to direct that an enquiry be made into them by a board consisting of the following members, as laid down in rule 8 of the rules regulating the election of Presidents and Vice-Presidents of the City Municipal Councils -

1) The Deputy Commissioner, Bangalore District CHAIRMAN
2) Mr T N Malappa, Subordinate Judge, Bangalore
3) Mr A J Khaleel, Municipal Councillor, elected by the Bangalore City Municipal Council

2 The Board is requested to commence its enquiry forthwith and to submit to Government its report with its findings on the several allegations made in the above petitions, within one week from the date ~~on~~ the Board begins to sit

For Secretary to Government,
Law Department

To
The Deputy Commissioner, Bangalore District with the petitions in original
The Registrar, High Court of Mysore
The Municipal Commissioner, Bangalore City

BANGALORE CITY MUNICIPALITY

Immediate & Confidential

From

The Chairman,
Board of Enquiry
re Election of President
and Vice President to
the City Municipality,
Bangalore City

No P C 57/44

To

C Narayanaswamy Naidu, Esq
Legal Remembrancer &
~~The~~ Law Secretary to the
Government of Mysore,
Bangalore.

No

Dated

Sir,

Ref G O.No L 7190-2/M1 42-44-103
dated 17th January 1945

I have the honour to state that both the parties having requested that the ballot box in which the votes of the various members have been deposited might be obtained and examined by the court along with the Commissioner's Report reporting the election, I am to request on behalf of the Board to obtain the same and forward them to me so that if the Board thinks it necessary, it might have it opened and examined

The matter may be kindly treated as immediate

I have the honour to be,
Sir,
Your most obedient servant,
Chairman

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF Mr.

General and Revenue Secretariat

Dated Bangalore January 1945

The Secretary to the Government of His Highness
the Maharaja of Mysore
Law Department.

The Municipal Commissioner,
Bangalore

Sir,

I am directed to forward herewith a copy of letter No P C 57/44, received from the Deputy Commissioner and Chairman, Board of enquiry regarding Election of President and Vice President to the Bangalore City Municipal Council, and to request that the ballot box and the report intimating the result of the election referred to therein may be arranged to be sent immediately to the Chairman of the Board

I have the honour to be,
Sir,
Your most obedient servant,

SD C NARAYANASWAMI NAIDU

Secretary to Government,
Law Department

M e m o No ated, Bangalore, Jany 45

Copy of the foregoing is forwarded with compliments to the Deputy Commissioner and Chairman of the Board for information

By Order,

Secretary to Government,
Law Department

L7335 e R 1 27,

Copy of letter No P C 57/44 dated nil from the [illegible] Board of [illegible]uiry Bangalore city to the Law Secret[illegible] to [illegible] the Government of Mysore, Bangalore

Ref G O No L 7190-2/M1 42-44-103 dated 17th January 1945

I have the honour to state that both the parties having requested that ballot box in which the votes of the various members have been deposited might be obtained and examined by the Court along with the Commissioner's Report reporting the election, I am to request on behalf of the Board to obtain the same and forward them to me so that if the Board thinks it necessary, it might have it opened and examined

The matter may be kindly treated as immediatel

L7335 Encl one Dy 28/1/45

To the Mil Comm, Belgr.

Sir,

I am directed to forward herewith a copy of letter No P C 57/44 received from the Dy Comm & chairman, Board of enquiry re Election of Pdt & Vice Pdt to the Belgr Mil Cl, and to request that the ballot box & the report intimating the result of the election referred to therein may be arranged to be sent immediately to the Chairman ~~[illegible]~~ of the Board

I have etc

for Secy to Govt

Law Dept

memo L7336 D.C. 2 Dy 23-1-45

copy sent to the Chairman of the Board

for info

for [illegible]

C1 C P R 13/44-45.

R K SUBBA RAO B A

CITY MUNICIPAL OFFICES
BANGALORE

Dated 24th Jany 194 5

Dear Sir

As desired in Law Secretary's letter No L 7335/41 of the 23rd instant (copy enclosed for reference) I am sending herewith the sealed ballot box containing the ballot papers of the Elections of the President and Vice President held on 20-12-1944 along with a sealed cover containing the keys of the box A copy of the report intimating the result of elections to Government is also enclosed The receipt of the above may be kindly acknowledged

Yours sincerely

sd/- R Subba Rao

Mohemad Ismail Sheriff Esq B A ,
Deputy Commissioner & Chairman
Board of Enquiry re the elections
of President and Vice President
Bangalore

C,C P R 13/44

e m o

Copy of the above is forwarded with compliments to the Secretary to Government Law Depart-

Department Bangalore for information with reference to his No L 7335/ 1 dated the 23rd January 1945

Municipal Commissioner

BANGALORE CITY MUNICIPALITY

GEN & REV SECT
18 JAN 1945
L S G BRANCH

MUNICIPAL OFFICES

No C1 C P R 13/44

Bangalore 17th Jany. 1945

FROM

MAHOMED ISMAIL SHERIFF Esq B A
~~XXXX~~ PRESIDENT
CITY MUNICIPAL COUNCIL
BANGALORE

To

C NARAYANASWAMI NAIDU Esq B A B L,
Legal Remembrancer & Secretary to Government
Law Department, Bangalore

SIR

With reference to your letter No L 6922 of the 11th instant I have the honor to state that the Municipal Council, at their Special Urgent Meeting held on the 16th instant have elected Mr A J Khaleel B A B L Municipal Councillor and deputed ~~to~~ him ~~to~~ under Rule 8(c) of the Rules of Election as a non-official councillor to sit on the Board of Enquiry to be constituted by Government to dispose of the Election petition A copy of the Council Resolution is herein enclosed for favour of information of Government

I have the honor to be
Sir
Your most obedient servant,

President

Subject of appeal, this may be placed in the connected file

No 46/44

Minutes of the Proceedings of the Special Urgent Meeting of the City Municipal Council Bangalore held on Tuesday the 16th January 45 at 4 P M in the Council Hall of the City Municipal Offices Bangalore

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P r e s e n t

Mohemad Ismail Sheriff Esq B A ,
Deputy Commissioner Bangalore District &
Ex-Officio President

Messrs

1 M V Veerappa
2 G R Ethirajulu Naidu B A B L
3 N Kesaviengar B A B L
4 W H Hanumanthappa
5 Ramalal Thiwari
6 G Nanjappa
7- C Chenniah
8 Singan Rangasamappa
9 S Visva Murty B A
10 H B Shankarappa
11 B N Gupta
12 C N Narasinga Rau B A B L
13 L S Raju M A (Hons) B L ,
14 T T Sharma
15 M A Gopalswami Iyengar M A B L
16 M K Narayana Iyengar B A B L
17 H C Suryanarayana Rao
18 K L Naganna
19 K Ambrose Ananda B A L T
20 A K Jayamuthuraju
21 Misrilall Parasmull
22 S Ghouse Mohiyuddin
23 A J Khaleel B A B L

--

A B S E N T

1 P V Ramachandra Gupta
2 D Venkataramanappa
3 K N Ramaswami B
4 P Sivashankar B A LL B
5 Mrs Dwarka Bai Cadambi
6 Mr Mirza M Azeezulla Beig
7 V a c a n t

At the commencement the President informed the house that M/S K L Naganna and some others had sent in a resolution conveying the sincere and loyal felicitations and congratulations of the Council to His Highness on the conferment of the Title of ' G C S I ' by His Majesty the King Emperor and with the permission of the House he moved the following resolution -

" This Council respectfully begs permission to tender its most loyal and sincere felicitations and congratulations to His Highness the Maharaja of Mysore on the occasion of the conferment of the Title of ' G C S I ' by His Majesty the King Emperor "

This was approved by the house unanimously

Then the President informed the House that the object of convening this Special Urgent Meeting was that the Government had appointed a Board under rule 8 of the Rules of Election to enquire into the allegations made in the objection petition (against the election of t the President and Vice President) by Mr L S Raju and others and that this meeting was convened to elect a Councillor and depute him to serve on the said Board He then made known the details of the letter of Government to the Members and said that they might depute somebody to serve on the Board.

Mr B N Gupta observed that while the rule under reference contemplated the deputing of a Councillor the notice calling for the meeting had said that it was for electing a Councillor and wanted to know if the two were not different and he was informed that it was not possible to depute anybody unless through an election

Then Mr H C Suryanarayana Rao proposed and Mr G Nanjappa seconded that Mr G R Ethirajulu Naidu may be deputed while Mr M V Veerappa moved and Mr C Chenniah seconded that Mr A J Khaleel may be deputed

Mr C N Narasinga Rau raised an objection that since they had to

to elect a person to serve on the Board as a judge it was necessary to know who the signatories ~~of~~ to the petition were and who would be cited as witnesses so that they might exclude them from being sent as deputy Mr B N Gupta said that this objection ought to have been raised earlier and not at that stage Mr M K Narayana Iyengar said that since Mr L S Raju was the first signatory to the objection petition he would know the other signatories and may inform the House Mr L S Raju said th that he would cite Mr. G R Ethirajulu Naidu as a witness before the Board and that in addition to himself Messrs A K Jayamuthu Raju and D Venkataramanappa were the other signatories

Then the votes were taken for determining as to who were for deputing Mr G R Ethirajulu Naidu and who for Mr A J Khaleel ~~xxxxxx~~ 9 voted for Mr G R Ethiraju Naidu and 8 for Mr A J Khaleel

Mr C N Narasinga Rau demanded poll and Mr M V Veerappa seconded it

The following voted for Mr G R Ethirajulu Naidu -

Messrs G Nanjappa H C Suryanarayana Rao B N Gupta, M K Narayana Iyengar N Kesaviengar S Visva Murty and V H Hanumanthappa

The following voted for Mr A J Khaleel -

Messrs C N Narasinga Rau Singam Rangasamappa M V Veerappa K Ambrose Ananda, Misrilall Parasmull K M Naganna C Chenniah and Syed Ghouse Mohiyuddin

The following remained neutral - Messrs Ramalal Thiwari and M T Sharma and the following did not take part in the voting - Messrs L S Raju M Jayamuthuraju B Shankarappa M A Gopalsvami Iyengar, A J Khaleel & G R Ethirajulu Naidu

Res - Mr A J Khaleel is elected and deputed under Rule ~~&~~ 8(c) of the Rules of Election as a non-official councillor to sit on the Board of Enquiry to be appointed by Government to dispose of the Election Petition

Then the meeting terminated

Sd/- Mohemad Ismail Sherif,

Ex-Officio President

'COPY'

President

ml 42-44-109 (5518

CONFIDENTIAL

No P C 57/44-45
Enc: ~~one~~ Two files

Bangalore,
Dated 7th February 1945

From

MAHOMED ISMAIL SHERIFF ESQ B A
Deputy Commissioner
Bangalore District
a n d
Chairman Board of Enquiry

To

C NARAYANASWAMI NAIDU ESQ B A B L,
Legal Remembrancer and Secretary to Government
Law Department
BANGALORE.

Sir

With reference to Government Order No L 7190-2/M1 42-44-103 dated the 17th January 1945 constituting a Board of Enquiry to go into the petitions presented by Messrs L S Raju Dr Venkataramanappa and A K Jayamuthuraju contesting the validity of the election of Mr M A Gopaleswami Iyengar as President and Mr H B Shankarappa as Vice President of the City Municipality at the Council meeting held on the 20th December 1944 and asking us to submit to Government a report with its finding on the several allegations made in the above petitions we beg to submit the following report:

The Government Order in question was received on the 17th January 1945 and a preliminary meeting of the members constituting the Board was held the next day i e 18-1-1945 in which it was decided that the respective parties should be summoned and asked to offer their evidence and to proceed with the enquiry Other details were also decided and the same have been reported to you in our letter of the 19th January Accordingly the parties met us on the 22nd January 1945 and after preliminary discussion they agreed with the general lines of enquiry proposed to be adopted and gave a list of witnesses whom they wished to examine The procedure followed by this Board in conducting this enquiry has been indicated by me in our letter referred to above and as the parties also consented to the procedure the same was strictly followed throughout The proceedings were conducted de-facto in Camera though the enquiry was not named as such

Only the parties concerned the witnesses to be examined and their legal Advisers in addition to the Steno-typists were present during the enquiry Detailed notes of evidence were dictated there and then in the presence of the parties to the Steno-typists and the same was transcribed and compared before the next day s proceedings began and copies of these were made available to the parties to enable them to proceed with further examinations and submit their arguments The parties have fully availed themselves of all these facilities and have agreed to the notes as being a true and full record The evidence was begun to be recorded from 23-1-45 and continued till 25-1-1945 and as it was not po sible to get other concerned witnesses before Monday the 29th January 1945 further evidence could not be gone through before that time On Monday, the 29th January the evidence was completed On Tuesday Wednesday and Thursday (30th 31st and 1st February 1945) arguments were advanced by the respective parties in full On Friday the 2nd instant the Ballot Box was examined in Camera in the presence of the parties and the names of persons who voted for the contending candidates are noted in the enclosed statement flagged "A"

2 It will be seen therefrom that in all the petitioners have examined six witnesses and the Respondents have examined 4 witnesses Khan Bahadur Abbas Khan was examined by the Board at the instance of Mr L S Raju with the consent of the other party Mr Nittoor Srinivasa Rao appeared on behalf of the Respondents Mr L S Raju himself assisted by two of his Juniors conducted the case on behalf of the petitioners We may at this stage say that the proceedings were conducted in a very cordial and homely manner and both the parties were helpful and accommodative in placing both matters of fact and law to assist the Board in arriving at definite conclusions

3 The following facts may be stated at the outset for better appreciation of what follows:

The term of the Municipal President and Vice President of the City Municipal Council being due to expire on the 31st December 1944,

it was necessary for the Municipal Council to hold an election meeting to elect the President and Vice President for the Calender year 1945, and obtain the approval of Government well in time so that they may be able to relieve the then Office Bar holders on the evening of the 31st December 1944 A Calendar of events was accordingly laid down and the election was conducted as per rules A scrutiny of the votes at the time of voting disclosed that for the Presidential election 15 votes were secured by Mr M A Gopalaswami Iyengar while only 12 had voted for Mr Raju The total strength of the Municipal Council was 29 and as the two candidates could not vote all the other members have exercised their franchise In the election of the Vice President the same procedure was followed As a result of the Poll it was seen that 14 members voted for Mr H B Shankarapp and 13 voted for Mr A K Jayamuthiraju with the result that Mr M A Gopalaswami Iyengar and Mr H B Shankarappa have been declared elected and a report was submitted to Government by the Municipal Commissioner in his report No C1-C P R 13/44 dated 20th December 1944 The election proceedings seem to have been conducted in accordance with law and they have not been questioned by the present petitioners. But on the 22nd December 1944, the present petitions which have been referred to this Board for enquiry were filed before Government by the petitioners in which allegations have been made that two votes had been secured by one Mr K T Bhashyam Iyengar as representing the High Com and on behalf of the Respondents by offering an inducement to Mr Mirza Azizulla Beig that in case he and Mr Ghouse Mohideen voted for the Congress nominees at the present election his (Mr Beig s) candidature will be supported by the Congress members at the next year s elections It is alleged that the votes of Messrs Beig and Ghouse Mohideen went to the Respondents thereby altering the party position It is accepted by both the parties at the time that there were 14 Congress and 15 non-Congress Councillors It may also be stated that while the Congress is a strongly organised homogenious party the Independents do not appear to be subject to any party programme or

discipline except that it is stat d that they generally acted together in the previous meetings as against the Congress Municipal party members Mr Raju s point is that throughout the year, these two members who had been supporting the indepement party s activities suddenly turned towards the Congress party thereby ensuring a definite majority to the Congress party As a result of this inducement it is further stated that Mr Bei who by himself was a candidate for the post of the Municipal President with drew and finally he voted for the Congress and induced Mr Ghouse Mohideen also to vote for the Congress candidate It was conceded that ~~at~~ this voting for the Congress candidate was in consideration of Mr Beig s being supported at the next year s Presidential election this if true would amount to illegal inducement and corrupt practice and that, therefore it would vitiate the entire election which would have to be set aside The petitioners however urge that this is one of the many other reasons that has been indicated in the petition and that if other grounds of vitiating the election are found in the evidence the same should be taken due note of

4 A perusal of the evidence offered by Mr Raju on behalf of the petitioners goes to show that much of it is merely suggestive and does not for instance state definitely the existence of a pact which they say has to be inferred by circumstances In case of secret pacts, a good deal [redacted] of direct evidence cannot in the very nature of things be expected Mr Ghouse Mohideen s evidence to which we would presently refer is the only direct evidence that the petitioners have offered and they strengthen it by putting corroborative evidence on various points If probably, the other side had not come forward with some positive evidence it would have been rather difficult for us to come to definite conclusions with the same amount of certainty as we have come to in this matter The evidence of the very persons as are alleged to be directly concerned in the alleged pact and their admissions in the course of their ~~evidence~~ examin n are of great value in appraising the evidence

5 Before we proceed to discuss the evidence in detail it seems desirable to know the position of Mr Bhashyam in relation to

(i) The Congress Parliamentary Board,

(i) The Congress Parliamentary Board (ii) The Municipal Congress party and (iii) Messrs M A Gopalaswami Iyenger and Shankarappa Mr Bhashyam s answers to several questions put by Mr Raju in this connection have not been very helpful in defining his own position either in respect of the Congress or the Respondents But, the evidence of the Respondents themselves in the course of their cross-examination as also a number of extracts from Newspaper announcements which have not been contradicted by Mr Bhashyam and which have be n exhibited help us to understand the position which Mr Bhashyam enjoys in relation to them He is not a member of the Municipality or of the Congress Municipal party He was, according to Mr Shank rappa an intermediary through whom the Congress Municipal members s bmitted all their views representations etc and obtained decisions The Congress municipal members further sought guidance and advice from him in most matters Mr Bhashyam is delightfully evasive on this point and does not speak out the position he enjoys It is however significant that the so-called Congress Parliamentary Board is behind the curtain which can only be raised by Mr Bhashyam and that in Camera only It is, for example not clear to us if Mr Bhashyam himself is acting behind the curtain as a Parliamentary Board and coming out and giving his decision as one sanctified by a higher authority Taking into consideration the f information that has been gathered as a result of the evidence of Mr Gopalaswami Iyenger and of Mr Shank rappa, it is not clear whether he consulted anyone else before a decision was arrived at and communicated to the Congress Municipal party and through it was the duty of everyone of the members to accept it irrespective of whatever they felt on the point The only alternative as stated by Mr M A Gopalaswami Iyenger is that if he or any member were to disagree he has to resign from the party Ex XX "C" - Daily News dated the 21st October 1944, cited by Mr Raju states that the Congress Parliamentary Committee have entrusted Mr Bhashyam with the work of supervising and guiding the activities of the Bangalore City Congress Municipal party A similar announcement has been made in other Kannada papers also and these have not been contradicted though these papers are being read regularly by the concerned parties In connection with

with one or two Municipal measures there has been a certain amount of controversy between Mr C N Narasinga Rao the then President and Mr Bhashyam in which Mr C N Narasinga Rao has characterised him as The Non-official Minister of the Congress Municipal party and in his reply statement Mr Bhashyam does not specifically deny or dispute the position though from what follows it looks as though he combined in himself the position of a Secretary as well The procedure which was admittedly followed at the Municipal meeting held on the 3th December about which the version of Mr Bhashyam and the Respondents are varying definitely lead us to the conclusion that while both the Respondents come out with the actual truth Mr Bhashyam is not helpful in this respect and in fact he definitely contradicts them After his interview with Mr Beig and Mr Ghouse Mohideen on the 8th December afternoon Mr Bhashyam is present at the Municipal Congress party meeting which is convened at 7 P M with a view to decide as to whether the Congress candidate is to be set up or not and if so to consider the names of persons to be nominated to the respective offices The procedure adopted was that Mr Bhashyam was to sit in a room and each member had to come and inform him orally his opinion Mr Bhashyam did not think it necessary even to make a note of this and there after the party members including the Respondents had not even known what the decision arrived at was till the Press announced that the Congress had nominated Mr M A Gopal swami Iyengar for the Presidentship and Mr H B Shankarappa for the Vice Presidentship This is rather important inasmuch as it is clear therefrom that Mr Bhashyam s decision or that of the so-called Parliamentary Board as expressed by Mr Bhashyam himself was the last word on the subject It is rather strange that Mr Bhashyam should think of even denying his presence at this meeting where according to the Respondents he has been the man who was not merely present but took the sense of the members about the persons to be nominated for obtaining the decision of the so-called Parliamentary Board It is important to note that Mr M A Gopaleswami Iyengar states that he had signified his unwillingness to stand for the election as President and had not even acquainted Mr Bhashyam of his views about the person to be set up for the office of the President But then, when once the nomination was announced the nominees felt it

their duty to make it a success The position is therefore clear that Mr Bhashyam either by himself or acting in the name of the Parliamentary Board is mainly responsible for the final choice Mr Bhashyam was not prepared to enlighten us as to who was really the person who mattered in nominating the candidates on behalf of the Congress With the certainty of at least 13 votes excluding the standing candidates being secured for them it is clear that at least two more votes were necessary for certain success and that the decision to contest the election can only be taken after securing these votes if the party was not to meet with a defeat Similarly he was in a position to offer the strength of his party s support in case it was necessary to secure these votes Hence Mr Bhashyam s meeting with Mr Beig and Mr Ghouse Mohideen and the reported conversation there assumes a special significance r Beig and his friend wanted to get the support of the Congress party for satisfying their ambition Mr Bhashyam wanted their votes for success of his party With the strength of the Congress party behind him Mr Bhashyam was in a position to reasonably promise or hold out an inducement to Mr Beig that in case he got them two votes he would support Mr Beig at the election of 1946 and such an offer could reasonably be accepted by a man like Mr Beig who was anxious to be a President at least next year and who knew that Mr Bhashyam could deliver the goods It is further significant that the meeting of the Municipal Congress party to run the candidates or not is fixed up after this Once this position is accepted it becomes probably unnecessary to go into the details as to whether the position of an Agency in relation to Mr M A Gopaleswami Iyengar existed In his case it was not merely a question of Agency but it was a case of absolute authority which Mr Bhashyam exercised in relation to Mr Gopaleswami Iyengar Mr Shankarappa the Congress Municipal party (14 Municipal members) and the Congress Parliamentary Board (if it existed) Therefore, any act done by him becomes binding not only on the Congress Municipal party but also on -- Mr Gopaleswami Iyengar and Mr Shankarappa

6 It was argued that Mr Gopaleswami Iyengar

and Mr Shankarappa did not authorize Mr Bhashyam as their Agent and that they are not bound by his actions The Law however is clear on the point that Election Agency is wider than relation of Principal and Agent under ordinary Law As observed in Manakchand s Law of Practice on Elections and Election Petitions at page 72 In the ordinary sense of the word a man cannot easily make another his Agent without having his eyes fully open to what he is doing But he may create an Agent in the election sense of the word without being conscious of what is being done and in fact in such a manner that when the person is ultimately decided to be his Agent nobody is more astonished than himself The reason for the wide difference between common law Agency and Agency in the Election sense was stated in the Gloucester petition It was said that the position of the candidate in the election sense was analogous to that of a man who buys a yacht to race in his name and finds a captain and crew on board The fact that he consents to call with them makes them his gents for the purposes of sailing the race in accordance with the laws of the course The fact is that in the ordinary relations of life a m n has very large powers of control ov r his Agents and knows or can with reasonable diligence discover who they are But in the conduct of an Election his political fate may be jeopardised by persons over whose action he has little or no control Even if they act in defiance of his order where he h s power to give them or do the wrongful act -- maliciously yet still he may find that they are held to be his Agents

The result may be that the candidate is exposed to the risk of the very severest penalties not because he himself has done anything wrong but because in the opinion of the Judges some person ov r whom neither candidate nor constituents had any control has been guilty of a breach of Election Law These considerations should make it clear how vast the sweep of this Election doctrine of Agency is In this case the relationship between Mr Gopalaswami Iyengar and Mr Shankarappa on the one ha d and Mr Bhashyam on the other is much stronger than that of Agency and the former are bound by the latter s act

7 The next question that arises is whether Mr. Bhashyam held

out a promise and as a result of the promise offered he secured or attempted to secure two votes to make th position of his party sure of success This is substantially prov d by the evidence that has been made available to us From the very nature of the question it is clear that no dir ct evidence could be adduced and no documents have been produced The evidence being ll indirect s lot will have to be inferred from the circumstances attending the transaction Such evidence that may be available from the testimony of the witnesses who heard admissions from parti s has to be utilised as corroborating direct evidence In doing so we take into consideration the fact that while the witnesses are all respectable persons they are so situated with reference to the ircumstances to party affiliations that it is not possible for them to come out with the ntire facts as they occurred without considerable embarassment to themselves and their eg organization at the same time the circumstances do not permit them too wide a digression Hence we have to take portions of evidence as appear to be credible and which fit in with the natural seq ence of events and probabilities of human conduct rather than accept or reject the evidence in toto of any particular person

3 We have referred above to the testimony that has been off red by Mr Ghouse Mohideen He was ex mined On oath like other witnesses and has come out it appears to us with the true version and it explains the ubsequent events which would otherwise not have b en explicable It may be that there might be an attempt here and there when a human being gives an account of a particular transaction and about his part in it he may try to show himself in best light by a little omission or addition and Mr Ghouse Mohideen is not an exception All the same we have got to see whether the entire circumstances mentioned therein are corroborated by other evidence in the main outline and further whether it is credible or whether any other circumstances come in the way of believing it In this particu case Mr Ghouse Mohideen evidence will be taken in two parts One is wh t we may call a preliminary and exploratory meeting between

Mr Bhashyam Mr Beig and himself and then the subsequent meeting at which some final arrangements are come to and definite promises are made on either side There is plenty of evidence on the former part and so far as the latter part is concerned the evidence offered by Mr Ghouse Mohideen will be judged by relevant circumstances and other details bearing on the points

9 Now coming to the part of the transaction it is seen at the meeting held on the 8th December arranged in the house of Mr Bhashyam that Mr Beig accepts the invitation of Mr Bhashyam and goes to his house for the first time in his life It is immaterial to us whether the meeting was arranged by Mr Beig or by Mr Ghouse Mohideen or Mr Shameraja Iyengar who happens to be a close friend and Lawyer of Mr Beig for the last 20 years or so and who had occasion to meet him during this period frequently on professional work There is, however one circumstance which may be taken note of In his indignation at what Mr Mirza Fazlulla Beig may conceive as a betrayal by Mr Ghouse Mohideen Mr Beig comes out with a statement that Mr Ghouse Mohideen came and tempted him to approach Mr Bhashyam to solicit the help of the Congress members to the satisfaction of his desire of Presidentship Mr Beig states that Mr Ghouse Mohideen told him that the Congress being in minority was not thinking of putting up a candidate and secondly that on a previous occasion the Congress had in their own way helped his becoming Vice President by suddenly remaining neutral at the election thereby enabling him to get elected as Vice President We think that this statement of Mr Beig may be taken at its full value otherwise the meeting of Mr Beig with Mr Bhashyam will be difficult to explain At any rate it may be accepted that Mr Beig and Mr Ghouse Mohideen met Mr Bhashyam by a previous appointment on the 8th afternoon and that the object of their meeting was not merely for taking Tea which is said to be a normal courtesy shown to them but with a view definitely to canvass support for the candidature of Mr Beig from the Congress party Reading the evidence of both Mr Beig and Mr Ghouse Mohideen on this point,

it looks to us that Mr Ghouse Mohideen was probably acting as a double Agent on one side telling Mr Bhashyam that the Congress must help Mr Beig s candidature and on the other side suggesting to Mr Beig the prospect of getting the support of Congress for the next year to his election as President if it was late this year This impression is gathered by the conversation which seems to have occurred at the meeting It is stated that after the preliminary conversation weather and each other s health etc the subject was broached by Mr Ghouse Mohideen whether the Congress would not take this opportunity to support Mr Beig s candidature for the Presidentship so that they might show a good approach to the Muslim community to which Mr Bhashyam said that the Congress having decided upon setting up their candidate the proposition was not acceptable to him Mr Ghouse Mohideen then asked Mr Bhashyam if he would support Mr Beig next year Mr Bhashyam seems to have readily consented to this That such a question was put and conversation took this turn, is accepted on all sides Mr Shamraja Iyengar speaks to it Mr Bhashyam speaks to it Mr Beig speaks to it The only difference is that according to Mr Beig and Mr Shamaraja Iyengar Mr Bhashyam said that the same man could hold out a promise for next year and according to Mr Bhashyam himself he said How could anybody say what was going to happen next year Then Mr Bhashyam wanted the support of these two people for Congress candidate Mr Beig said that he would see Both Mr Ghouse Mohideen and Mr Beig gave the impression to Mr Bhashyam that both of their votes would go together in the same direction This is what we call as the Preliminary and exploratory meeting The next meeting is spoken to only by Mr Ghouse Mohideen, and the next day the [illegible] Iyengar denies it

10 On this point it appears to us that the disinterested evidence of Mr Ghouse Mohideen is to be accepted in preference to the interested evidence to the contrary There is one other circumstance to support the version of Mr Ghouse Mohideen When reading the evidence of Mr Bhashyam Mr Beig and Mr Shamaraja Iyengar it

leads one to the impression that there might have been more than one meeting For example, Mr Shamaraja Iyengar says that he was already present in Mr Bh shyam s house and that half-an-hour afterwards these two people came and saw Mr Bhashyam whereas Mr Bhashyam says that while these people were talking together, may be half an-hour afterwards that Mr Shamaraja Iyengar came there Both the versions may probably be true but only they may refer to different meetings Otherwise there is no point in Mr Bhashyam s telling that Mr Beig and Mr Ghouse Mohideen were half-an-hour earlier to Mr Shamaraja Iyengar unless it be that while deposing he may be referring to one meeting while the others were referring to another meeting Mr Jayamuthuraju says that Mr Beig had told him that he had taken proper steps to ensure the understanding All these are indications to point out to another meeting and lend confirmation to Mr Ghouse Mohideen s statement A question may however arise why if an understanding had already been arrived did M Beig stand for election and sought support of independents Mr Ghouse Mohideen has stated that this was done wi h a motive to get the independents to adopt him at once failing which he will be sure of next year Mr Raju and Mr Govindarajulu and Mr Naganna have all spoken that Mr Beig felt highly discontented and told them that if he was not supported he will strike an independent line of action, which ~~will~~ can be only to s pport the other party Information gathered from all the evidence is that an understanding of this kind existed and the independent party tried their b st even to promise supporting him at next year s election But, Mr Beig was fir

11 Now we might examine the evidence of Khan Bahadur Mohamed Abbas Khan e have to take note of the fact that his evidence is based on information got from Mr Bhashya himself No doubt he says that Mr Bhashyam said that he had offered support to Mr Azizulla Beig in return for support of Congress candidates by him and Mr Ghouse Mohideen We take note of the fact that Mr Beig and Khan Bahadur Abbas Khan are in opposite camps now but Mr Bhashyam admits the meeting At the time this occurred, Mr Abbas Khan was the Secretary of the Central Mahommedan Association and Mr Beig was its Vice President Both were working

working as colleagues on the Association and were good friends It is now wonder then if Mr Bhashyam treated Khan Bahadur Abbas Khan with confidence and gave out the information re the understanding to him This is again supported by direct vidence of Khan Bahadur Abbas Khan Saheb Cross-examination of this witness has not brought out any points to treat the evidence with any caution or reserve, on the other hand convincing explanation is coming for everything This meeting was much before the election and it must have ~~been~~ apparently been before th final meeting because Mr Bhashyam qualifies it by saying that it required the confirmation of his colleagues but as we have seen Mr Bhashyam held undoubted sway over his colleagues in these matters Reasonable xplanation is also given as to how the fact of this meeting came out In any way we would not have attached much importance to this piec of evidence but for the fact that it comes out from a respectable person and that it supports what Mr Ghous Mohideen has already stated In view of the above decision it would therefore be clear that there was an attempt on the part of Mr Beig in combination with Mr Ghouse Mohideen on one side and Mr Bhashyam on the other side to come to the understanding that in case these two were to support the Congress candidate this year Mr Bhashyam undertook to see that the Congress members supported the candidature of Mr Beig for Presidential election next year and that this promise was subsequently confirmed After Mr Beig lost all hope of being nominated on the side of the independent party he seems to have accepted this and ev ntually supported Mr Bhashyam s candidates and canvessed for the support of Mr Mohideen Naturally it follows that Mr Beig should have withdrawn and cast his vote in favour of the Congress Mr Ghouse Mohideen however says in his evidence that at the last moment he voted for the independent candidate having failed to secure Mr Azizulla Beig s support to the independent party for which he was trying As stated by Mr Ghouse Mohideen himself he treated all th moves as a mere stunt He explains why he voted against the independents

in deferring motion of the 4th December His efforts to get Mr Beig the support of either Congress or Independent party having failed he stuck to the original party Mr Beig however suggests in his evidence that he did not talk to Mr Ghouse Mohideen near his seat at the time the election was going on but in the report of the Municipal Commissioner to Government on his point it is stated that Mr Beig was talking to Mr Ghouse Mohideen during the course of the election of the President

12 It is thus seen that the Petitioners version of the entire transaction has been corroborated in all essential details by independent credible evidence of various witnesses Thus the fact that the Congress did not originally intend putting up any candidate unless they were sure of support and that they were in a mood to seek for Muslim support and that Mr Beig was anxious for his Presidentship next year under any circumstances that they met together and that Mr Bhashyam was sympathetic towards Mr Beig s aspirations are all corroborated The contents of the Ballot Box which was also examined bear out Mr Mohideen, when he said that Mr Beig stuck up to the pact of the Congress while Mr Ghouse Mohideen himself dropped his side The only point that has been denied by the respondents is that Mr Bhashyam accepted the offer of Mr Beig to secure his vote and the vote of Mr Ghouse Mohideen for the Congress candidates by promising in return to help Mr Beig in becoming President next year The question is whether the evidence of Mr Mohideen or the evidence of the other persons present has to be accepted on this matter Apart from the fact that the evidence of the latter is interested it becomes improbable in the light of what Mr Bhashyam has admitted before Khan Bahadur Abbas Khan while the evidence of Mr Ghouse Mohideen gets corroborated by it That such an opportunity would not be easily lost when it involved a mere promise for next year is not unnatural, more specially if we remember what admittedly happened to Mr Jayamuthuraju in the last election

13 We, therefore, for the reasons mentioned above hold that there was a definite understanding between Mr Bhashyam as representing

his Congress Municipal party as well as the Parliamentary Board on the one side and Mr Baig as representing himself and Mr Ghouse Mohideen on the other that if these two should support the Congress candidate for Presidential and Vice Presidential elections this year the Congre in return would support Mr Baig s candidature for Presidentship next year That such an understanding existed is amply proved The fact that Mr Ghouse Monideen broke the understanding at the last moment does not in any case affect the issue as both the parties and their Counsels have conceded that existence of an understanding of this kind is enough to vitiate the entire election even though the pact might not have been fully acted upon and that if this was proved the elec will have to be set aside

14 In this connection we might observe that the entire circumstances of this election point out the existence of another illegality which has not been specifically mentioned by the petitions We are of opinion that in this particular case not only was there an inducement to obtain th votes of Mr Baig and Mr Ghouse Mohideen but that the thirteen votes of the Congress members have been obtaine by Mr Bhashyam either in his representative capacity or acting unde the authority of the Congress Parliamentary Board who definitely decided whether or not to put up the candidates for election and the directed the members to vote for their nominees under threat of the party discipline we have no knowledge as to who the members of th Parliamentary Board are Most of them may not be even voters or residents of Bangalore Mr Bhashyam is not in the Municipal Counc and therefore is not entitled even to vote in the election of the President The Municipal law lays down that the President should be elected by th free and independent exercise of the volition of Municipal Councillors alone and none else has a voice in it In f the law attempts to secure a candidate having the largest measure o common consent of members and that it is why when there are more th two candidates voting is by elimination of the least supported can and often it happens that a second or third man in first round may

lead in the last To substitute this system by making the members bound down to vote a particular nominee is to deny the right of free exercise of vote to the members and things are m ch worse if there is an interference by an outside body or person who is not a voter As we read the evidence of Mr M A Gopalaswami Iyengar and Mr Shankarappa the helpless position of these two candidates as also the other Congress members is too apparent Even on the day of nomination at 2 P M neither Mr Ethirajulu who was a prospective candidate nor Mr Gopalaswami Iyeng r nor Mr Shankarappa who were eventually nominated by the Board and whom every member was expected to support had not been taken into confidence and they knew nothing of it till after the whole thing was completed and some of them including the candidates read of it in the papers Mr Bhashyam or the Congress Parliamentary Board which is an outside agency must have nomin ted the candidates at the last moment so that there may be no possibility of anybody effectively protesting against it and when there remained no chance of nominating any other person leaving everyone of the members in suspense to the last minute The fact that this question was taken up only after the meeting with Mr Beig and his companion and the papers were filed on the last day ie 11th December at the last moment shows that it was done with a purpose and the absolute authority did not wish to leave any scope to any of their adherents in the Municipal Council This proves the helpless position of the Municipal ~~Commissioners~~ Councillors subscribing to the Congress party who surrendered all their volition to an organisation foreign to the Municipal Council As stated by Mr M A Gopalaswami Iyengar the only alternative if any member was not satisfied with the party mandate was to resign from the Council The consequence if it was disobeyed would be expulsion from the ~~xxxx~~ body as was done in the case of Messrs Raju Ramlal Thiwari and Pamiah A thing like this might be understandable if this ~~election~~ choice and nomination etc , was ~~confined to~~ made exercised by Municipal members though even then it will be against the law, for it would be possible for members of either party to force their choice on the rest and the method will be directly against the system prescribed by Municipal law If for example a party controlling 15 votes decided by 8 votes against 7 in favour of anyone he would be bound to be elected and the entire machinery designed and framed to obtain free votes and ~~[illegible]~~ greatest

common support to the offices concerned will be effectively frustrated. But, then the system becomes definitely permicious if the will of a foreign body or a non-voter is superimposed on political grounds are not necessarily in the interests of Municipal administration

15 In the present case a foreign body the personnel which is not known and who may not even be voters for electing officers Municipal Council and who have no direct contact with the Municipal members except through the agency of Mr Bhashyam and who was placed above all, has practically nominated the office-bearers and made a complete farce of Election Law. This amounts to a corruption of the highest degree and the election deserves to be set aside on this ground alone in public interest. In fact it may be urged that even if the Congress Municipal party had been allowed free volition of their own and they had themselves elected the candidates for these offices by a majority vote among themselves and forced the dissenting members to vote for the majority even then it will be illegal and corrupt as it will offend the law which has got a different machinery and rules in this respect and with definite administrative object. The baneful effect of the above procedure is too apparent to require any detailed examination. It tends to develop a highly objectionable practice in which party loyalties are kept above the interests of the Municipality. Thus for example it has come out that the Municipal party members had often times absented themselves from the Municipal functions and when there had been a clash between outside party loyalty and Municipal interests the latter has gone to the wall. The evils of introducing party politics in Municipal affairs and thereby jeopardising the interests of the Municipal administration has not escaped the attention of the thinking people. Thus for example Mr S A Brelvi President of the All India Newspaper Editors Conference replying to a Civil Reception given to him by the Calcutta Corporation at the Central Municipal Office buildings on Monday evening (29-1-1945) has observed among other things as follows:-

"I am one of those who believe that the time has come when the political parties should have nothing to do with local bodies

and Municipalities in the sense that they should not run candidates for Municipal elections or election to Local Bodies In an ideal Municipal Body the personnel should consist of the best representatives of the professions who are vitally concerned with the welfare of the Citizens Architects Engineers Lawyers Artists and of Journalists too because they are vitally interested in the welfare of the City and also Politicians should not dominate or the Lawyers should not dominate We must have a proper h rmonious representation of all interests so that the well-being of the City can be properly ensured

At present with political parties who run the elections the paramount consideration seems to be to see that party or the other gets the largest number of seats without having regard to the mental or moral equipment of the c ndidates who might occupy those seats I suggest th t this is not the right way of carrying on our Civic affairs I may be wrong but I have this conviction because I know that the Civic affairs are conducted in a spirit quite contrary to the spirit which should inspire the majority of me bers of a Municipal Council

16 To this we only add that taking the Municipal Law as it stands this practice amounts to the worst form of corruption and has to be eliminated if the Muni ipal Councils in the Country have to function freely and fully and in real Civic spirit We may also quote here Victoria Vol X - Trinity Term XXXVIII - page 743 - "We are of opinion that the true statement is that an election is to be declared void by the common law applicable to Parliamentary elections if it was so conducted that the tribunal which is asked to avoid it is satisfied as a matter of fact either that there was no real electing at all or that the election was not really conducted under the subsisting election laws As to the first the tribunal should be so satisfied i e that there was no real electing by the Constituency at all if it were proved to its satisfaction that the Constituency had not in fact h d a fair and free opportunity of electing the candidate which the majority might prefer This would certainly be so, if a majority of the electors were proved to have been prevented from recording their votes effectively according to their own preference

by general corruption or general intimidation In this case, in effect it has been a case of nomination by a foreign party rather than a free election by the prescribed Constituency

17 A large number of authorities have been quoted on both the sides We have gone through all of them and in arriving at the conclusions that we have arrived most of the information was of great help to us and we have fully availed ourselves of all this material

18 The Government Order directed that the Board should finish the enquiry within a week and submit a report to Government But the actual time taken is more than a week the reason being due to absence of witnesses and due to the very important nature of evidence that was let into the case and which could not be dispense with dence we could not help the time limit being exceeded

19 The entire records together with the evidence etc in the case are enclosed for favour of ready reference

We have the honour to be
S i r
Your most obedient servants

BOARD OF ENQUIRY

Names of persons who have

Mr. Mahomed Ismail Sheriff, B.A.,
Deputy Commissioner.&
****
Chairman, Board of Enquiry.
***

(59)

No P C 57/44 - With Sealed ballot box with sealed Cover Keys of the Ballot Box
Copy

Bangalore
2nd February 45.

Dear Mr. Subba Rao,

I am returning herewith the Ballot Box contaning ~~election~~ ballot papers relating to the election of the President and Vice-President, City Municipality duly sealed with my office seal. The key of the box is separately sent under a sealed cover. The receipt of the sealed box and the sealed cover containing the keys may kindly be acknowledged.

This has reference to your letter No. C1 CAR 13 Dated 24-1-45 with which the sealed box and the key were sent to this office on request.

Yours sincerely,

Sd
2/2/45

K. Subba Rao, Esq., B.A.,
Municipal Commissioner,
Bangalore.

Names of persons who have
for Mr G Jagalswami Iyenga

1 Mr B N Gupta
2 Mr G Nanjappa
3 Mr K N Ramaswamy
4 Mr Ethiraj Naidu
5 Mr N Keshava Iyengar
6 Mr S Viswanath
7 Mr P V Ramachandra Gupta
8 Mr T T Sharma
9 Mr N K Narana Iyengar
10 Mrs Dwarakabai Kadam
11 Mr H C Surya Narayanappa
12 Mr Ramalal Tiwari
13 Mr N H Hanumantappa
14 Mr H V Shankarappa
15 Mr Surya Narayan Rao

— Y Ramappa

A J Wheeler

A J Wheeler
7/2/45

For Mr A K Jayamurthy Raj

1 Mr Hesrulal Passmal

2 Mr A J Kalel

3 Mr Gous Mohadeen

4 Mr P Ambrose Ananda

5 Mr Nagappa

6 Mr L S Rajan

7 Mr C N Narasingarao

8 Mr P Shivashankar

9 Mr Venkataravanappa

10 Mr Sugam Rangasamappa

11 Mr Chammal

12 Mr Ramlal Tivari

13 Mr M V Veerappa

—

[illegible] Ramappa

W J Kheff

A J Khaleel

2/2/45

Mr Mr Shankaraji

1 Mr Ethiraj alias Raju

2 Mr Suryanarayanakoo

3 Mrs Swarabatai Kadam

4 Mr N K Narana Iyengar

5 Mr H A Subbaswamy Iyengar

6 Mr T T Sharma

7 Mr K N Ramaswamy

8 Mr B N Gupta

9 Mr P V Ramachandra Gupta

10 Mr S Keshava Murthy

11 Mr G Ranganath

12 Mr Surya Narayana Rao

13 Mr Hanumanthappa

14 Mr Keshava Iyengar

A J Khalil

2/2/45

Names of persons who have [illegible]
for the Raja

1 Mr A J Kalell
2 Mr S Gous Mohadeen
3 Mr Mushtilal Perosmal
4 Mr A K Jayamunthu Raju
5 Mr K Ambrose Ananda
6 Mr C N Narasingarao
7 Mr K M Naganna
8 Mr D Venkateswarappa
9 Mr Sungam Rangasamappa
10 Mr C Chennaiah
11 Mr M V Veerappa
12 Mr P Shiva Shankar
~~13~~

[illegible]

[illegible]

A J Kalell
2/2

57

BEFORE THE BOARD OF INQUIRY UNDER HE CITY MUNICIPALITY ACT BANGALORE CITY

P C 57 of 1944

Petitioners -

L S Raju and two others

- VS -

Respondent -

M A Gopalaswamy Iyengar

RESPONDENT'S MEMO

In this case two important questions arise for consideration (1) the question of agency and (2) the question of corrupt practice

1 The Question of Agency

Filed by the Writer Sri Rao Pleader with the records 1/2/45

Can Mr K T Bhanshyam be regarded as the agent of the respondent within the meaning of Section 20-(4) of the City Municipalities Act?

Mr K T Bhashyam cannot be regarded as the express or constructive agent of the respondent for the following among other reasons -

(1) Mr Ghouse Mohiyudeen says that at the first meeting Mr K T Bhashyam stated that he was speaking in his individual capacity and that he had no authority to make any binding pact without the consent of the Bangalore City Municipal Congress Party

(2) Mr Mahomed Abbas Khan says that Mr K T Bhashyam told him that he had to obtain the permission of the members of the Municipal Congress Party in order to make the agreement

agreement binding on the Party

(3) Mr K A Bhashyam himself says that he had no authority and that he did not act as the agent of any-body

(4) The respondent says that he had not authorised Mr K A Bhashyam or any other Congressman to act on his behalf

(5) Mr H C Suryanarayana Rao Leader of the Municipal Congress Party states that the Party had not authorised Mr K A Bhashyam to act on its behalf

(6) There is no evidence apart from the uncorroborated testimony of Mr Ghouse Mohiyudeen to show that there was a second meeting on or about the 14th of December 1944 between Mr K A Bhashyam on the one hand and Messrs Ghouse Mohiyudeen and Mirza Azizulla Baig on the other and that Mr K A Bhashyam's acts were ratified by the party or by the respondent

(7) The mere fac that Mr K A Bhashyam was taking interest in the election and that he used to assist and advise the Party whenever requested would not automatically make him an agent of the Party Candidate i e the - respondent without proof of employment or authorisation by the latter

(8) The nomination paper was signed and filed by two Municipal Councillors according to law The mere fact that Mr Bhashyam was with them at the time of filing it does not lead to the inference that he either controlled the

the Party or acted as agent of the respondent

(9) There is no evidence to show that subsequent to 11-12-1944 the last date for nomination Mr K T Bhashyam canvassed votes for the respondent or took any interest in the election

(10) The responsibility of the candidate for the acts of the agent would commence from the date of his intention to stand as a candidate In this case the respondent had not announced his intention to stand as a candidate till he came to know of and accepted his nomination at about 7 P M on 11-12-44 The respondent cannot be held responsible for the alleged acts of Mr Bhashyam prior to 11-12-44

(11) There is no evidence to show that the respondent or his Party had accepted or ratified the alleged acts of Mr Bhashyam prior to 11-12-1944

(12) The fact that the party candidates were selected by the Parliamentary Committee and not by Mr Bhashyam clearly shows that Mr Bhashyam had no control over the Party and that he was not entrusted with the powers of the Parliamentary Committee

(13) Mr Ghouse Mohiyudeen's statement that Mr Bhashyam wanted to obtain the consent of the Parliamentary Committee before entering into a binding pact also shows that Mr Bhashyam had not been entrusted with the powers and functions of the Parliamentary Committee

(14) The fact that the Parliamentary Committee has got controlling authority over the Party does

does not make it automatically an agent of the Party Candidate in the absence of clear evidence to show that the Committee acted with reference to the election with the knowledge and consent of the candidate (i e the respondent)

II Question of Corrupt Practice -

The petitioners have to prove not only an express understanding but also a corrupt intention on the part of Mr K A Bhashyam There is no clear and unimpleachable evidence to prove both

(1) Messrs K A Bhashyam Mirza Azizulla Baig Ghouse Mohiyudeen and K Shamaraja Iyengar were present at the time of the alleged understanding Mr Ghouse Mohiyudeen is the only witness who speaks to the making of the alleged pact The other three witnesses deny it

(2) Mr Ghouse Mohiyudeen is in the position of an accomplice and his testimony cannot be relied upon without independent and reliable corroboration As regards the alleged understanding he has not been corroborated by any disinterested witness

(3) Messrs K N Jaganna and V K Govindarajalu who were cited as witnesses for the petitioners do not corroborate Mr Ghouse Mohiyudeen

(4) Mr L S Raju alone corroborates him But he is an interested witness and merely repeats what he heard from other persons

(5) Messrs H C Suryanarayana Rao M K Narayana Iyengar and Mirza Azizulla Baig do not corroborate Mr L S Raju Mr Belur Srinivasa Iyengar has not been examined by Mr L S Raju in

[illegible] to corroborate his alleged talk with Mr K A. Narayana Iyengar.

(6) It is alleged that Mr Mirza Azizulla Baig stated openly at the meeting of the independent or non-Congress Municipal Councillors that he had come to an understanding with the Congress Mr K M Naganna the Leader of the Independent Group does not testify to his allegation And the petitioners have not chosen to examine Mr P Shivashankar or any other Non-Congress Councillor in order to corroborate their allegation

(7) Mr Mahomed Abbas Khan has stated that Mr K T Bhashyam told him about his agreement with Messrs G Mohiyudeen and M A Baig He is an intereted witness he does not remember the date on which he met Mr Bhashyam It is also strange that he should not have told anybody about the alleged agreement

(8) Both Mr G Mohiyudeen and Mr Mohamad Abbas Khan say that the alleged agreement was tentative and that it had to be completed after securing the approval of the Municipal Congress Party and the Parliamentary Committee If there was no express understanding or promise there would be no corrupt practice As regards the securing of the approval of the Party and the Committee there is no evidence apart from the uncorroborated testimony of Mr G Mohiyuddeen

(9) The petitioners have not shown that the alleged understanding was made by Mr Bhashyam with a corrupt or wicked motive On the other hand the evidence of Messrs G Mohiyuddeen Mirza Azizulla Baig and Mahomed Abbas Khan shows that the

the intention of Mr Bhashyam was to promote - co-operation and understanding between Hindus and Muslims and between the Congress and the Muslim League ~~It does not seem that his object was merely to secure votes~~ Mr Nos

(10) If the object was merely to secure the vote of a single non-Congress Councillor, one vote being sufficient to secure a majority for the Congress Party there is no reason why Mr K T Bhashyam should enter into an arrangement with two Muslim Councillors His object (if he had any such object) could have been gained if he had approached any Non-Congress Councillor If Mr Ghouse Mohiyuddeen has not voted for the respondent some other non-congress Councillor must have exercised his vote in his favour Mr Bhashyam's conversations with three Muslim gentlemen viz Messrs Ghouse Mohiyudeen Mirza Azizulla Baig and Mohamed Abbas Khan must have been evidently with the sole object and intention of bringing about good feeling and understanding between Hindus and Muslims and between the Congress and the Muslim League

Bangalore)
1-2-1945) RESPONDENT

Re parts not a

BEFORE THE BOARD OF INQUIRY UNDER THE CITY MUNICIPALITIES ACT

ACT [illegible]

P C Number 57 of 1 9 4 4

Petitioner --	(versus)	Respondent --
L S Raju and two others		L [illegible] Opalasamy Iyengar

(Synopsis of argument)

(1) Law applicable to the case -

The case relates to an election held under the [illegible] Cities Municipalities Act 1933 and the rules framed thereunder.

The rules relating to the election of President and Vice-President of a City Municipal Council do not set specially the grounds on which an election may be set aside.

Section 30 of the City Municipalities Act provides for the determination of the validity of an election of a Municipal Councillor or of a [illegible] President under clause (a) of sub Section [illegible] of Section 23.

Section 30 defines the term corrupt practice and also specifies the circumstances under which an election may be set aside on the ground of corrupt practice.

The present case is governed by the provisions of Section 30 and the presidential [illegible] can inquire under section [illegible] of the Act-

(4) Allegation of corrupt practice -

The burden is on the petitioners to prove (1) that there was an express understanding or pact,

(2) That the intention as a corrupt one

(3) That the understanding was with reference to the pending election

(4) That the corrupt understanding or pact was made

(a) by the candidate or

(b) by another person with his knowledge and consent

or

(c) by a person who is acting under the General or special authority of the candidate with reference to the election}

(Vide section 20 of L C L Act)

"To prove a corrupt promise as good evidence is required of that promise illegally made as would be required if the promise were a legal one to sustain an action by the promisee against the promisor upon the promise" - The Law & practice of elections - Manal-chand P 313-

Promise means an actual express promise and not a promise to be inferred from the conduct of the parties" Ibid P 314

"No amount of hopes or expectation on the part of a voter is enough to constitute bribery" Ibid 322

A corrupt motive in the mind of the person bribed is not enough The question is as to the intention of the person who bribes him Halsbury's Laws of England (new Edition) Vol XII page 260

A corrupt motive must in all cases be strictly proved Ibid Page 260, Vol 1 P 43 and 57; Jagat Narain's Indian Election Petitions, Vol II P 178 at 179, Vol III P 59

"Corruptly means with the object and intention of doing that which the statute intended to forbid --Halsbury P 261

Clear and unequivocal proof is required before a case of bribery will be held to have been established Suspicion is not sufficient and the confession of the person alleged to have been bribed is not conclusive(Halsbury, P 263)

If the intention was to bring about Hindu-Muslim unity or communal harmony the alleged understanding(even if assumed to be true) would not become corrupt

"The charge of bribery is a serious charge in fact a criminal charge The evidence requisite to prove it should not fall short of evidence required to prove any criminal charge

The testimony of an accomplice should not be accepted without independent and reliable corroborative evidence Ianakond P 349 vide Jagatnarain's Indian Election petitions Vol II PP 85, 179 and Vol III P 175

3) Question of Agency --

It is neither alleged nor proved that the alleged corrupt practice has been committed by the candidate i e the respondent

The petitioners have not adduced any evidence to show that Mr P A Bhasaya acted with the knowledge and consent of the respondent or under the general or special authority of the respondent with reference to the election

The present case is governed by the law of agency

embodied in Section 20 of the City Municipalities Act The law of agency applicable to parliamentary elections should not therefore be relied upon for the purpose of determining the responsibility of the respondent for the acts of his alleged agent

Under the law applicable to Municipal Elections it is not obligatory to appoint an election agent and to file a return of election expenses

'The liability of a candidate for acts of agent commences when it was first known that respondent announced his intention of presenting himself for election Agency terminates with election Quoted from Rogers on Elections Vol II Pages 616-617, in Encyclopaedia of Indian Law, Vol IV page 526

" It is often of great importance to ascertain the date upon which a person's candidature commenced so as to fix the commencement of his responsibility' (Halsbury's Laws of England Vol XII Page 240

"The date on which a candidate is selected by a political association is relevant to prove when the person selected becomes a candidate Ibid P 240

"Where a party meeting was held on September 21 before respondent had consented to stand and a resolution passed that a requisition should be got up requesting the respondent to be a candidate after this persons were employed to obtain signatures to the requisition and on October 1st a second meeting was held at which the respondent was requested to stand and consented It was held that the expenses of the two [illegible] were not expenses which the respondent ought

ought to have included as election expenses' Ibid P 241 footnote

'Election is a continuing process in which the nomination is the first step' Jagtnarain's Indian Election Petitions Vol II P 125

"The crucial test is whether there has been employment or authorisation of the agent by the candidate to do some election work or the adoption of his work when done"

Halsbury Vol XII P 246
Every supporter ~~in~~ is not an agent'
Halsbury VII P 247

"Political associations may be agents of the candidate when in privity with him But they may be agents of his party without being his agents even though they canvass for him

Halsbury VII P 248

"A member of a political association formed for or active in promoting a candidate's return is not necessarily an agent even though the candidate subscribe to its funds So an association which confines itself to carrying out the general interests of the political party and the views it represents but is not an active assistant of any particular candidate is not an agent" Law of Elections in India and Burma Jagatnarain, Page 276

"Several persons took part in an election on behalf of respondent some spoke for him at one of his meetings and one of the stated that he and some of the others canvassed for respondent and that he gave respondent to understand he was taking part in the election for him held as it did not appear that any one of these persons was authorised by respondent to represent him and as

as they did not claim to have any such authority from him but supported respondent as the candidate of the party the said persons were not agents of respondent for the purposes of the election' Dominion Digest Vol V P 50 para 3-2(1)

'Fateh Bahadur clearly states that he had no sort of authority express or implied for identifying the voters on behalf of the respondents but he did so simply because he sympathised with the respondent The petitioner had led no evidence to prove that this Fateh Bahadur did anything else for the respondent except to identify some voters on the polling day We are now prepared to rely on the basis of this solitary act to hold that Fateh Bahadur was the respondent's agent In dum Election cases Hammond P 143

The petitioners have not adduced any evidence to show that Fateh Bahadur acted with the knowledge and consent of the respondent ~~acted with the knowledge and consent of the respondent~~ or under the general or special authority of the respondent with reference to the election The fact that he is a member of the Congress interested in the election is not sufficient to constitute 'agency' within the meaning of Section 30 of the City Municipalities Act

No corrupt practice committed by a person unconnected with the candidate or his agent will render the election void unless it is shown that the result of the election has been materially affected thereby Vide Section 30-(3) of City Municipalities Act

In such a case the court will strike off votes

tainted with bribery or undue influence Hanakchand P 567

It has, however no jurisdiction to add such votes to the votes of the petitioner on the ground that they were originally intended for him. Hanakchand P 568

Mr Gopalaswamy Iyengar
Respondent 30/1/1945

Mr Thiruvenkatachari
Advocate for Respondent

BANGALORE CITY MUNICIPALITY

Confidential
Av C.C.P.R. 18/44
me 3

MR K SUBBA RAO B A

CITY MUNICIPAL OFFICES
BANGALORE
Dated 26th Jan 1945

114

Dear Mr Ismail Sheriff,

Rd 27/1/44

As desired in your D O No PC 57/44 of even date, I have enclosed herein the drafts of the reports sent to Government on the petitions presented by Mr L S Raju and others in connection with the elections of the President and Vice President A copy of the Council proceedings dated 4-12-1944 is also enclosed

Yours sincerely,

K Subbarao

Mohamed Ismail Sheriff, Esq , B A ,
Deputy Commissioner,
Bangalore District, BANGALORE

ksm

BANGALORE CITY MUNICIPALITY

No C)-1467-43/C,C PR 13/44 MUNICIPAL OFFICE

Encl one Bangalore 28th Decr

FROM R Madhavan, Esq , B E
MUNICIPAL COMMISSIONER (Acting
BANGALORE CITY

To

C Narayanaswamy Naidu, Esq , B A ,B L
LEGAL REMEMBRANCER & SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 6364 dated 26th December 1944, calling for a report on the petition of Messrs L S Raju D Venkataramanappa, and A K Jayamuthuraju members of this Municipal Council, contesting the validity of the election of Mr M A Gopalaswamy Iyengar as the President of the Municipal Council, I have the honour to state that as reported already Messrs M A Gopalaswamy Iyengar and L S Raju were the competing candidates for the Presidentship at the election held on 20-12-1944 The allegations referred to in the petition regarding inducement are matters requiring enquiry and proof of which I am not personally aware

Secondly, as regards the allegations referred to in Para 8 of the petition Mr Azeezulla Beig was seen talking with Mr Ghouse Mohiyuddeen during the course of the voting for the presidentship

The petition received with your letter under reference is returned herewith as desired

I have the honour to be,
Sir,
Your most obedient servant

Forwarded with Compliments

Hon President

Municipal Commissioner (Ag)

BANGALORE CITY MUNICIPALITY

No C1-1467-43/C, C P R 13/44 MUNICIPAL OFFICES

Encl One Bangalore 29th December 1944

FROM R Madhavan Esq , B E
MUNICIPAL COMMISSIONER (Ag)
BANGALORE CITY

To

LEGAL REMEMBRANCER & SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 6443 dated 28-12-1 calling for a report on the petition of Messrs A K Jayamuthu Raju, D Venkataramanappa and L S Raju, M A (Hons)B L meml of this Municipal Council contesting the validity of the el of Mr H B Shankarappa as the Vice President of this City M cipal Council I have the honour to state that, as reported already Messrs H B Shankarappa and A K Jayamathu Raju were competing candidates for the Vice Presidentship at the elec held on 20-12-1944 The allegations referred to in the peti regarding inducement are matters requiring enquiry and proc which I am not personally aware

The petition received with your letter under refere is retransmitted herewith, as desired

I have the honour to be,
Sir,
Your most obedient servant

29/12/44
MUNICIPAL COMMISSIONER
(Ag)

Forwarded with Compliments

HON PRESIDENT

Minutes of the Proceedings of the Special meeting of the City Municipal Council,Bangalore,held on Monday the 4th December 1944 at 6 P M in the Council Hall of the City Municipal Office Bangalore

Present

C N Narasinga Rao, Esq , B A ,B L , Hon President

Messrs

1	M V Veerappa	14	P Sivashankar,B A ,BL B
2	G R Ethirajulu Naidu,B A,B.L	15	L.S Raju,M A(Hons)B L
3	N Keshaviengar,B A ,B L	16	T T Sharma
4	W H Hanumanthappa	17	M A Gopalaswami Iyengar
5	G Nanjappa	18	M K.Narayanaiengar,B A ,B
6	C Chenniah	19	Mrs Dwariba Bai Vedantam
7	Singam Rangasamappa	20	H.C.Suryanarayana Rao
8	S Visvamurthy,B A	21	K.M Naganna
9.	P V Ramachandra Gupta	22	K Ambrose Ananda,B A ,B T
10	H B Shankarappa	23	A K.Jayamuthu Raju
11	D Venkataramanappa	24	Misrilall Parasmull
12	B N Gupta	25	S Ghouse Mohiyuddin
13	K N Ramaswami, B A	26	A J Khaleel,B A .B L

27 Mirza M Azeezulla Beig.

Absent

1 Mr Ramalal Thiwari 2 Mr P.R Ramiah,B.Sc

Minutes of the Proceedings of the Special Meeting of the City Municipal Council, Bangalore, held on Monday the 4th Decem. 44 at 6 P.M. in the Council Hall of the City Municipal Offices, B'Lore.

At the outset, the President explained to the House that in accordance with the Council Resolution of 28-11-44, the plans and estimates relating to the construction of the Municipal Poor Houses and the Municipal Students' Lodgings had been prepared and placed before the City Improvement Committee, who on 30-11-1944 selected the sites, one near the Sydney Circle for the Students' Lodging and the other to the west of Subedar Chatram Road near the Railway Level Crossing for the Poor Homes and that this meeting had been called for to consider the opinions of the City Improvement Committee re the sites selected for the above purposes He also informed the House that the necessary plans and estimates were before them for their scrutiny and decision

Then Mr P Sivashankar moved the resolutions of the City Improvement Committee dated 30-11-1944 for adoption and Mr D Venkataramanappa seconded them

Mr. V C Suryanarayana Rao then moved the following as amendments to the resolutions of the City Improvement Committee:-

1. This Council resolves that as the site now chosen by the City Improvement Committee is not healthy and convenient, the Municipal apartments for poor students be constructed on the municipal land by the side of the loop road which connects the Krishnari Road with Race Course Road so as to provide accommodation for one hundred students

2. This Council resolves that as the land chosen by the City Improvement Committee is not suitable, the municipal flats for the benefit of families of small means be constructed in the Kalasipalyam layout so as to provide housing facilities in the first instance for twenty five families

3 This Council resolves that a special Committee consisting of five councillors with the Engineer, the Health Officer and the Govt., Architect as Ex-officio members, be constituted to prepare and submit to the Council within fifteen days detailed schemes in regard to the construction of apartments and flats and the management thereof.

Mr W A Gopalswami Iyengar seconded the above, but the President ruled them out as out of order in as much as they were direct negative of the original propositions before the House,

Then Mr W H Hanumanthappa moved that the subject be deferred for Council Inspection of the sites selected and Mr C Ranjappa seconded the deferring motion

Some of the Members like Mr B N Gupta, W A Gopalswami Iyengar, K Ramaswami and W H Hanumanthappa spoke supporting the deferring motion on the ground that the sites now selected for the Students' Lodging and the Municipal Poor Homes were very insanitary and ill-fitted for the purpose, the site selected for the Poor Homes had been applied for previously by some party but their application was refused on the ground that it was a hollow pit and unfit for construction Further, the Council had previously resolved that the Poor Homes should be constructed in the Kalasipalyam Layout and this resolution, if approved, would be defeating the objects of this resolution, as the spot selected for it was also previously it was in a malarial area and was unhealthy and it was also agreed to in the House that the Students' Lodging should be constructed somewhere near Lalbagh Park as it would be near the Colleges etc Further, the plans and estimates prepared in this [illegible] were sent down to them with the result that they were [illegible] where they stood

Mr Ramanna- all

BEFORE THE GOVERNMENT OF MYSORE AT BANGALORE

Petition No of 44-45

P C No 57 of 1944

PETITIONERS 1 L S Raju, 2 D Venkataramanappa
3 A Y Jayaruthuraju

VS

RESPONDENT H B Shankarappa

The respondent files the following statement of objections -

1 The statement of facts in paras 1 and 2 of the petition are correct The respondent, however, does not admit the various grounds on which the validity of the Election is contested

2 The allegations in Sub Para 1 of Para 2 of the petition are not correct In consultation with the members of the Bangalore City Municipal Congress Party, the Parliamentary Committee of the Mysore Congress selected the respondent as the party candidate for the office of the Vice-President of the Bangalore City Municipal Council There is no body or office called the 'High Command" of the Mysore State Congress and Mr K T Bhashyam Iyengar had not been entrusted with the duty of choosing the party candidate for Vice-Presidentship

3 The allegations in sub-para 2 of para 2 of the petition are untrue Mr K T Bhashyam was not authorised in any manner either by the Bangalore City Municipal Congress Party or by the respondent to act

on their or his behalf in regard to the election of the Municipal Vice-Presidentship It is also ~~xx~~ not true that he designed to secure any ~~at least two~~ votes from the non-congress members of the Council by way of inducement amounting to corrupt practice in order to secure a real majority for the respondent Even if Mr I T Bhaskya has done any such act, it is unauthorised and without the knowledge and consent of the respondent and of his party

4 The allegations in sub-para 3 of para 2 of the petition are untrue Mr Bhaskyam was not authorised to act on behalf of the respondent and he did not induce Mr Mirza Azizulla Baig to vote for the respondent on the understanding that if he did so, the Congress would support the candidature of Mr Mirza Azizulla Baig to the office of President in the year 1946

5 As regards the allegations in sub-para 4 of para 2 of the petition, the respondent does not know whether Mr Mirza Azizulla Baig is a member of the Muslim League The respondent, however, understands that Mr Mirza Azizulla Baig has contested the Muslim seat for the Legislative Council from the Bangalore Muslim Constituency in rivalry to the Muslim League party candidate As already stated above, no inducement was offered or accepted

6 It is not true that Mr Mirza Azizulla Baig withdrew his candidature for Presidentship on account of any inducement He withdrew his candidature on his own accord Hence the allegations in sub-para b of para 2 of the petition are untrue

7 The respondent requests that the Report of the Municipal Commissioner on the Election be sent for and made part of the record of the case

8 As The voting was by secret ballot, the respondent is not in a position to state whether Mr Mirza Azizulla Baig voted for him Before proceeding with the enquiry further, it is necessary to open the ballot box and to ascertain which of the candidates have voted for the respondent

9 The petitioners have not given full particulars of the corrupt practice alleged to have been committed by Mr K T Bhashyam Iyengar The petition also does not disclose any irregularity, illegality or other grounds whereby the election of the Council has been materially affected

10 The respondent does not admit any allegations in the petition not specifically traversed above

11 The respondent requests that he may be permitted to engage the services of a counsel to appear and plead on his behalf

12 The respondent submits that ~~for the above reasons~~, in these circumstances, there is no reason to set aside the Election

Respondent

Advocates for respondent

That is stated above in paras 1 to 12, is true to the best of my knowledge, information and belief

Respondent

Bangalore City,
23rd January 45

MYSORE COURT FEE

ಕೋರ್ಟ್ ಫೀ ಸ್ಟಾಂಪ್

ಆಣ EIGHT ANNAS ೭T-೧

ಕೋರ್ಟಿಗೆ

The Government of Mysore Bangalore

194 — 194 ಪೆಟಿಶನ್ ನಂಬರು

P C 57 of 1944

~~ಅಪೀಲ್ ವಾದಿ~~ ಅರ್ಜಿದಾರ್ ~~ಅಪೀಲ್ ಪ್ರತಿವಾದಿ~~ ರೆಸ್ಪಾಂಡೆಂಟ್

1 L S Rao
& 2 others

Vs

H B Shamukhappa

ಮಿ॥ ರಾ॥ ನಿಟ್ಟೂರು ಶ್ರೀನಿವಾಸರಾವ್, ಬಿ ಎಸ್ ಸಿ ಬಿ ಎಲ್

ಮತ್ತು

ಮಿ॥ ರಾ॥ ಕೆ ಆರ್ ಗೋಪೀವಲ್ಲಭ ಅಯ್ಯಂಗಾರ್, ಬಿ ಎ ಬಿ ಎಲ್

ಅಡ್ವೋಕೇಟರು ಬೆಂಗಳೂರು ಸಿಟಿ ಇವರಿಗೆ

Respondent ಬರಸಿ ಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವುಗಳು ನನ್ನ / ನಮ್ಮ ಪರವಾಗಿ ಕೊನೆಯವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ / ನಮ್ಮ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರುಗಳನ್ನೂ ಡಿಕ್ರಿಗಳನ್ನೂ ಜಾರಿ ಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ/ನಮಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಹಣ ಬಾಕಿ ಹಣ ಸಹ ಪಡೆಯಲಿಕ್ಕೂ ದಸ್ತೈವೆ ಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಮತ್ತು ನನ್ನ/ನಮ್ಮ ಪರವಾಗಿ ಮೊಕದ್ದಮೆಯನ್ನು ರಾಜೀ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ/ವೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು/ನಾವು ಸ್ವತ ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿ ನಡೆದುಕೊಳ್ಳಲು ಒಡ್ಡನಾ / ರಾಗಿ ಇದ್ದೇನೆ / ವೆ ನಾನು / ನಾವು ಕೊಡಬೇಕಾದ ಫೀಜು ಬಾಕಿ ನಿಂತಲ್ಲಿ ತಾವು ಮೊಕದ್ದಮೆಯಿಂದ ರಿಟೈರ್ ಆಗಲು ನನ್ನ / ನಮ್ಮ ಅಭ್ಯಂತರವೇನೂ ಇಲ್ಲ

ಬೆಂಗಳೂರು ಸಿಟಿ
ತಾರೀಖು 23/1/1945

ರುಜು H B Shamukhappa

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮೆಯನ್ನು ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮೆಯನ್ನು ಅಂಗೀಕರಿಸಿದ್ದೇವೆ

H B Shamukhappa

ಕೆ ಪಿ. ಹೆಚ್ ಪ್ರೆಸ್, ಕೋರ್ಟ್ ಬೆಂಗಳೂರು ಸಿಟಿ

(32)

Letter No C1 C R 13/44 dated 20th December 1944 from the Municipal Commissioner Bangalore City (through the President of the Legislative Chamber and Secretary to Government, Law Department Bangalore

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In continuation of my letter No C1 C R 13/44 of the 28th November 1944 I have the honor to state that the elections for filling up the offices of the Secretary President and Vice President of the Council for the period 1-1-1945 to 31-12-45 were held at the special meeting of the Council ~~held~~ this morning Messrs A Sivashankar and Gopalaswami Iyengar Mirza Azeezulla Beig and B S Raju were the candidates nominated for the presidentship On the day of election both Mr A Siv shankar and Mr Mirza Azeezulla Beig withdrew their candidatures, leaving Mr M Gopalswami Iyengar and Mr B S Raju to contest the elections At the election held by ballot Mr M Gopalswami Iyengar secured 15 votes while Mr B S Raju got 12 votes and this was informed to the council

For the Office of the Vice President Messrs A V Jayamuthuraju H B Shankarappa and D Venkatarayappa had sent in their nominations and before the Election took place Mr D Venkatarayappa withdrew his candidature leaving Mr A V Jayamuthuraju and Mr H B Shankarappa to contest the election There also Election was by ballot and Mr A V Jayamuthuraju got 13 votes against 14 votes secured by Mr H B Shankarappa The result of election was then intimated to the Council

A copy of the proceedings of the Council is herein enclosed for favour of orders of Government under Rule 6 relating to the Election of President and Vice President of City Municipal Councils

Copy

Municipal Council

EIGHT ANNAS

BEFORE THE BOARD
~~In the Court~~ of ENQUIRY CONSTITUTED UNDER RULE 8
RELATING TO THE ELECTION OF PRESIDENT
and VICE PRESIDENT UNDER THE CITY MUNICIPAL COUNCILS

(31)

NO OF 1944 —1945

Petitiomers ~~Appellant Plaintiff~~ L.S.Raju and two others.	Vs	Respondent ~~Defendant~~ M A.Gopalaswamiengar

1 The 1st Petitioner above named do by these presents retain Messrs -G R Doraswamy, B A ,B L , Advocate, and M L Venkatnarasimhaiengar and C S Iyengar, Pleaders, Bangalore City to appear and conduct the above case on my ~~behalf~~ behalf to judgment

2 I, further empower him to do all necc sary acts in the above case to execute any decree or order that may be passed in my behalf and to receive from the Court all documents refunds and all sums o money that I may be entitled to get and grant receipts therefor

3 I also undertaken to confirm and ratify all the acts done by the said Advocate or by any other Advocate on his behalf in so doing

24 1 1945

L S R P

G R Doraswamy

Personally known to me and signed in my presence —ACCEPTED

C Srinivasaiengar
G R Doraswamy
Advocate for petitioners

Advocate

Sold by VIDYA VILASA BOOK DEPOT Chickpet Bangalore City

Purohit Power Printing Pre B City

Confidential

Mr. Mahomed Ismail Cheriff, B A ,
Deputy Commissioner &
Chairman, Board of Enquiry
- oOo -

(28)

Bangalore,
25th Jan 1945.

. P.C 57/41

Dear Mr Subba Rao,

I write to acknowledge the receipt of the Sealed Ballot Box, a sealed cover containing keys and a copy of report intimating the the result of Elections ~~to the offices~~ of the President and Vice President of the City Municipality to Government, sent with your letter No C1-C P.R. 13/44 yesterday.

Yours Sincerely,

Draft

M. Subba Rao, Esq , B A ,
Municipal Commissioner,
Bangalore City

COURT FEE
INDIA
ONE ANNA

(37)

Before the Board of Inquiry
Deputy Commissioner's office
Bangalore

P C 57 of 1944

Petitioners L S Raye and 2 others
vs
Respondent M A Gopalaswamy Iyengar

Application for Copy

The respondent prays for a copy of the depositions of the witnesses for petitioners and the Respondent and for a copy of the written statement filed by Mr Ghouse Mohiyuddin in the course of his examination

One hundred and Copying sheets are herewith produced

As copy of the Statement filed Mr Ghouse Mohiyuddin is urgently

Presented with 100 sheets of 0-3-0
Sub
Thayappa
25/1
25/1
25/1

P T O

required arrangement may kindly
be made to grant the same
before 1 P M

Bangalore 2 cl st
25-1-1945

Gopalaswamy Iyengar
Respondent

Immediate No.P.C. 57/44. 24th January

From

To

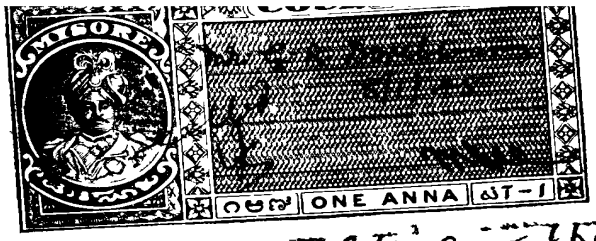
The Deputy Commissioner & Chairman,
Board of Enquiry re. Municipal
President and Vice President
Elections, Bangalore City.

Dear Sir,

A petition having been made to Government that there were corrupt practices in the Election of Municipal President and Vice President held in December 1944 and the Government having constituted a Board of Enquiry as contemplated under the Election Rules, this is to request you to kindly appear before the Board at ~~3 P.M.~~ on/in the Chambers of the Deputy Commissioner, Bangalore, and adduce evidence at 3-45 pm

Yours sincerely
[signature]
Chairman,
Board of Enquiry

Not signed



Before the Board of Enquiry

Petn. 944 45

Petitioner L.S Raja to this
Respondents M.A Gopalaswami Iyer

The 1st Petitioner prays for Copy of the depositions of witnesses examined before the Board and the Copy of the order sheet

Bangalore
24 1 45

1st Petitioner

We request our lawyers to supply copies

C1 C & R 13/44-45
Enc 2no

MR K SUBBA RAO B A

CITY MUNICIPAL OFFICES
BANGALORE

Dated 24th Jany 1945

(34)

Dear Sir,

As desired in Law Secretary's letter No L 7335/41 of the 23rd instant (copy enclosed for reference) I am sending herewith the sealed ballot box containing the ballot papers of the Elections of the President and Vice President held on 20-12-1944 along with a sealed cover containing the keys of the box A copy of the report intimating the result of elections to Government is also enclosed The receipt of the above may be kindly acknowledged

Yours sincerely

K Subba Rao

Mohemad Ismail Sheriff, Esq B A
Deputy Commissioner & Chairman
Board of Enquiry re the elections
of President and Vice President
Bangalore

[illegible] dated the [illegible]
Secretary to Government Law Department,
Municipal Commissioner Bangalore City

I am directed to forward he ewith a copy of letter No. [illegible] C 57/44 received from the Deputy Commissioner Bangalore as Chairman Board of Enquiry re arding the election of President and Vice President to the Bangalore City Municipal Council and to request that the ballot box a d the report intimating the result of election referred to therein may be arranged to be sent immediately to the Chairman of the Board

--

Copy

Municipal Commissioner

[illegible]
24/1

all opposing the deferring the motion said that by deferring the subject they would be simply putting off the good object of providing housing facilities to the poor and accommodation to the Students who were put to a great deal of difficulty in procuring the required accommodation If the spots were found to be low, they should raise the same and put up decent buildings thereon The City Improvement Committee, after a good deal of deliberation had come to a definite decision and it was not proper for the Council to turn down the proposals of a Committee constituted by itself They had hardly sufficient time before them for taking up the schemes and spending the amounts set apart for the purpose in the Budget and if they deferred the matter, much-of-the-budgetted amount-may lapse for want of time to execute the works This was the best time to push through the scheme as they could be sure of having Students' Lodging ready by the time the colleges and schools reopened in July.-

The President next observed that it was not correct to say that the area selected for the Students' Lodging was not good in as much as all around the place there were open spaces and the Wesleyan United Mission School was also situated in a short distance and there were residential quarters all round the spot When these places were not affected by malaria, it was not right to say that the Students residing in the Lodging to be put up would would be affected. The site selected was very near the colleges, Technological Institute and other educational institutions. As re putting up the Student Students' Lodging in Basappa Park, it was not desirable since by doing so, they would be depriving the residents of Cubbonpet the open land they were enjoying at present

As re construction of poor homes in Balaambalayam, he said that this would take a lot of time and they would not be doing any good. The spot selected by the City Improvement Committee was quite fit for the poor homes and did not contain high tension wires, as expressed by some members. Hence no good would be served by deferring the subject and they might straightway accept the decision of the City Improvement Committee.

When the deferring proposition was put to vote and passed 14 voting For and 12 against it.

Mr P N Nagappa demanded poll and Mr D Venkata Ramappa seconded it.

The following voted For:- Messrs L K Narayana Iyengar, M A Gopalswami Iyengar, P C. Suryanarayana Rao, N Kesaviengar, T T. Sharma, K V Ramaswami, N B Chenkarappa, G Nanjappa, S Visvamurty P V Ramachandra Gupta, W [illegible] Ramanathappa, [illegible] Gupta, C R Ethirajulu Naidu, Mirza Azeezulla Beig, S Ghouse Mohiyuddin and Mrs Dwaraka Bai Cadambi.

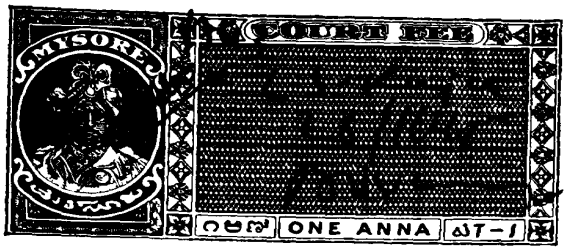
The following voted against:- Messrs, C.V Narasimha Rau, L V Seetarama, [illegible] Jayamuthuraju, G Chennaiah, P Sivashankar, D. Venkata-ramappa, Singam Ramaswamappa, K Ambrose Anna, [illegible] Lal, Kanailall Parasmall, [illegible] Nagappa and L [illegible] Raju.

The result of Poll was 16 for and 12 against.

Then the meeting terminated.

sd/- C R Narasimha Rau
Honorary President

Copy
K Seshan
Municipal Commissioner



(45)

Before the Board of Enquiry

Petn of 44-45

26-1-45 Panawanamurthy Granted

Petitioners Mr. L S Rajin & others
Respondent Mr M A. Gopalaswamy Iyengar

The Petitioners prayer for Copies of the deposition of Mr Mirza Azi-zulla Baig examined on 25/1/45 and also the statement of Mr Ghouse mohideen

Bangalore 25.1.45

Puttenanasimha
Counsel for 1st Petn.

26-1-45 (44)

Dear Mr Subba Rao,

I request you to kindly forward to me ~~a copy~~ the draft of the report submitted to Government by the Ag Municipal Commissioner on the ~~allegations mentioned in the~~ petition spre Raju & others alleging corruption

Issued Guru 26/1

malfeasance in connection with the recent elections to the Mysore City Corporation

The matter may be kindly treated as immediate

Yours sincerely,

The M1 Commissioner,
Bangalore City (byname)

(43)

Confidential

Mr Mahomed Ismail Sheriff, B A ,
Deputy Commissioner &
Chairman,
Board of Enquiry
- oOo -

No P C 57/44

Bangalore,
26th January 1945

Dear Mr Subba Rao,

As ~~a copy of~~ a perusal of the proceedings of the Municipal Council meeting dated 4-12-1944 has become necessary in the enquiry, I request you to kindly send me ~~a copy of~~ the same immediately

Yours sincerely,

Subba Rao, Esq , B A ,
Municipal Commissioner,
Bangalore City

Before the Board of Enquiry

Petn of 44 45

Petitioner Mr L S Raja & Others

Respondent M/s M A Gopalaswamaiyar

The Petitioners pray that the Board may be pleased to issue a letter of request to the Commissioner, Bangalore City Municipal Council to cause the production of the proceedings of the meeting of the municipal Council held on 4 12 44.

Parvanarasimhan

Counsel for Petitioners

Bangalore
25 1 45

Rd
25/1/45
may be
allowed
25/1/45

آل میسور سٹیٹ مسلم لیگ بنگلور سٹی

حلف نامہ

میں اللہ تعالےٰ اور رسولِ مقبول حضرت محمد مصطفےٰ صلی اللہ علیہ وسلم گواہ قرار دیتے ہوئے وعدہ کرتا ہوں کہ حسبِ ذیل امور کو ایمان داری کے ساتھ انجام دوں گا

میں آل میسور سٹیٹ مسلم لیگ کا ممبر ہوں اور آئندہ بھی رہوں گا اور ہمیشہ لیگ کے قواعد و ضوابط کی پابندی کروں گا۔

آل میسور سٹیٹ مسلم لیگ کی مجلسِ عاملہ کی طرف سے جو پالیسی مقرر کی جائے گی میں اس پر عمل پیرا ہوں گا اور اس پالیسی کی اشاعت میں کوشش کروں گا

مجھے جس وقت مسلم لیگ سے اختلاف پیدا ہو جائے تو لیجسلیٹو کونسل اور ریپریزنٹیٹو اسمبلی کی رکنیت سے مستعفی ہو جاؤں گا

اگر مسلم لیگ مجھ سے مطالبہ کرے تو فوراً حکم کی تعمیل کے مطابق لیجسلیٹو کونسل اور ریپریزنٹیٹو اسمبلی سے مستعفی ہو جاؤں گا

میں میسور لیجسلیٹو کونسل اور ریپریزنٹیٹو اسمبلی میں رہوں گا میں کسی دوسرے سیاسی ادارہ میں شامل نہ ہوں گا اور نہ اسکی پالیسی یا پروگرام کی تائید کروں گا جو آل میسور سٹیٹ مسلم لیگ یا اس کے لیڈر کی طرف سے منظور کی گئی ہو جن حالات میں لیگ کی پارلیمنٹری بورڈ کی طرف سے امیدوار کھڑے کئے گئے ہوں میں اب کے مقابلہ میں آزاد امیدوار کو ووٹوں کیلئے کوشش نہ کروں گا اگر میں اُن تمام امور میں یا کسی ایک امر کی خلاف ورزی کروں تو لیگ کی مجلسِ عاملہ میرے متعلق جو کچھ تعزیری کارروائی کرنا چاہے وہ میرے لئے قابلِ تسلیم ہوگی

میں میسور لیجسلیٹو کونسل اور میسور ریپریزنٹیٹو اسمبلی میں لیگ کے پارٹی لیڈر کی تابعداری کروں گا اور ان کے مشورہ کے مطابق ووٹ دوں گا۔

میں لیگ کی پارٹی کے جلسوں میں شریک رہوں گا۔ اور روزانہ کارروائیوں میں حصہ لیکر پروگرام مرتب کرنے میں ممد و معاون ہوں گا

میں اقرار کرتا ہوں کہ میں کوئی ایسی حرکت نہ کروں گا جس سے لیگ کی پوزیشن یا اس کی نیک نامی کو

درخواست فارم

برائے

میسور لیجسلیٹو کونسل
میسور ریپریزنٹیٹو اسمبلی

بخدمت جناب سکرٹری صاحب آل میسور سٹیٹ مسلم لیگ بنگلور سٹی

السلام علیکم

میں نے ان شرائط کو پڑھا جو اس فارم کے پشت پر درج ہیں نیز اس اطلاع کو بھی پڑھا ہے جو مسلم لیگ سے شائع ہوئی ہیں میں اس پر کاربند رہنے کا اقرار کرتا ہوں۔ میں اپنے حلف نامہ کو اپنے دستخط کیساتھ بھیج رہا ہوں

۱ نام ۲ ولدیت

۳ عمر ۴ پیشہ

۵ لیجسلیٹو کونسل یا ریپریزنٹیٹو اسمبلی کیلئے۔

۶ سکونت گاہ

۷ مقام کا نام جہاں سے امیدوار کھڑا ہونا چاہتا ہو۔ ووٹرس لسٹ میں امیدوار کا نام

۸ فیس داخلہ امیدواری کی فیس

۹ ان خدمات کا مختصر خاکہ جو قومی بہبودی کے لیے ادا کی گئی ہوں

ALL ~~MUSLIM~~ MYSORE STATE MUSLIM LEAGUE, BANGALORE CITY

SWORN AFFIDAVIT

I, before God and Prophet Mohamed (Peace be on Him), as witnesses promise solemnly and honestly give effect to the following items -

I I am a Member of all Mysore State Muslim League and will be one in future also and will always obey the Rules and Regulations of the League

II. Whatever policy is laid down by the working Committee of All Mysore State Muslim League, I shall act in accordance with it and will try to propagate the same

III Whenever I disagree with the Muslim League, I will resign my Membership from the Legislative Council and the Representative Assembly

IV. If the Muslim League demands from me to resign from the Membership of any of the Legislature I will obey the Mandate forthwith

V As long as I remain in the Mysore Legislative Council and Representative Assembly, I will not join any other Political Institutions and will not support any policy or programme which is not acceptable to All Mysore State Muslim League or its Leader

VI I promise that I shall not contest Election from any locality in which the parlimentary board of the League has set up candidates and will not canvass votes for me as against the League candidates If I do not adhere to any or all the fore-

COURT FEE
MYSORE
EIGHT ANNAS ೮-೭೯

(27)

Before the ~~Government of Mysore~~ ಕೋರ್ಟಿಗೆ
Board of Inquiry
Bangalore

1944-1945 ನೇ P C No 57 ನಂಬರು

~~ವಾದಿಯಾ ಎಜಿಂದಾರ್~~ ~~ಪ್ರತಿವಾದಿಯಾ ಅಪೋನೆಂಟ್~~
Respondent

L S Raju & others | vs | M A Gopalaswamy Iyengar

ಮಾ॥ ರಾ॥ N Thoor Srinivas Rao BA BL and K R Gopalavallabha Iyengar BA BL, Advocates
Krishnarajendra Road Bangalore City

Interim Record
VS
23/1/45

ಎಂ ಎ ಗೋಪಾಲಸ್ವಾಮಿ ಅಯ್ಯಂಗಾರ್ Respondent ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಯ್ಕೆಯಾದವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ರಾಜಿ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿ ಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಿಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಪೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನನ್ನ ಖರ್ಚು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ

Bangalore City
ತಾ ೨೨-೧-೧೯೪೫ ರುಜು M A Gopalaswamy Iyengar
Respondent

ಈ ಮೊಕ್ತೈರುನಾವಾ ಕೆಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಕ್ತೈರುನಾವಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ
22/1/1945

On 28-11-44: Special meeting of the Municipal Council. One or two days thereafter A.M.C.C. meeting

Mr. Mirza Azizulla Beig phoned to me that morning, complained against Mr C.N.N. Then notice of the Special meeting of the Municipal Council to elect a President with calender.

On 4-12-44: Special meeting of the C., where M/s. Beig and Ghouse Mohideen voted in favour of the Congress Party, on one resolution.

On 8-12-44: Meeting at Singam Rangaswamappa's house.

On 10-12-44 M/s Nagappa and Veerappa called at my house and spoke about Mr. Beig's pact with Congress as stated by Mr Mirza himself that day

Same night meeting at Mr. Veerappa's place. Mirza and Ghouse Mohideen absent.

On 11-12-44: Nomination for the President and Vice-President -ships Then on the morning of-

14-12-44 Phone call from Mr Mirza and his meeting to me his pact with the Congress - unless we all supported his candidature.

He wanted to have a heart to heart talk with me in person. I said I would meet him at his residence and fixed the night of 15-12-44

Met Mr T R N Iyengar at Malleswaram who corroborated Mr Mirza's pact.

On 15-12-44: Meeting at Mr Mirza's house as fixed. Mr. Mirza mentioning that at the intervention of Mr Shamaraja Iyengar who was

(p.t.o.)

his friend he went to Mr. Bhashyam Mr Bhashyam said that Congress would support his candidature next year, if Mr Mirza and Mohideen voted for the Congress candidate

M/s. Ghouse Mohideen, Mirza, and Shamaraj, all present at the interview at Bhashyam's. I tried to dissuade him from adopting such a course. He was adamant Then -

On 18-12-44: there was a meeting at Veeranna's house. I asked Ghouse Mohideen then about this pact. He corroborated. Then I told Mr Mirza that I would withdraw in favour of Mr Mirza. But Shivashanker would not.

On 19-12-44: Mr. V K G saw Mr Mirza and Ghouse Mohideen in the night.

On 20-12-44: My call at Mr Mirza's house when I found Ghouse Mohideen with him. Mr. Mirza's attitude saying that he would vote for Congress, and asked me also to withdraw

Then what happened at the meeting itself and pressure on Ghouse Mohideen by Mirza.

-----:oOo:-----

STATE T OF I R G OUSE OF IDEE

I am a nominated member of the Municipal Council and belong to the Muslim League So also is Mirza Azizulla Beig The latter is its Vice-President

The calendar in connection with the election of the President and Vice-President to the Municipal Council was issued in the beginning of Decr 1944 Immediately after it was issued Mr Mirza Azizulla Beig met me and evinced his keen desire to be a President of the Council

On 4th Dec 1944, there was a Special Meeting of the Municipal Council at which the Congress Party Members brought a Deferring motion in respect of the consideration of a special subject relating to approval of the sites and estimate for the construction of a poor students' home. Myself and Mr M A Beig supported the Congress Party Motion, because the site was a Muslim Burial Ground

Two or three days later he told me that Mr K Shamaraja Iyengar had visited him and at his suggestion he was going to meet Mr K T Bhashyam at his house for "Tea" He asked me also to accompany him I was also invited for "Tea". We went there and met Mr K T Bhashyam We met him twice On the second occasion Mr. Shamarajaiengar was also present On the first occasion Mr M A Beig told Mr Bhashyam his desire to become the President of the Municipal Council Mr Bhashyam stated that the Congress was going to put up a candidate for the year 1945 (either Mr G R Ethirajalu Naidu or Mr M A Gopalaswamiengar) and that if Mr M A Beig and myself voted for the Congress Candidate, the Congress would support Mr M A Beig's candidature for the presidentship for the year 1946

On Mr Bhashyam's solemn assurance, Mr [illegible] agreed

agreed to this and also said that my vote was also in his pocket and would go to the Congress Both myself and Mr M A Beig went to the Congress Office again a second time after the 11th Decr 1944 and met Mr Bhashyam

By this time Mr M A Gopalaswamiengar, had been nominated on behalf of the Congress The previous understanding was strengthened and definite promises were held out by both parties On 11th Dec 1944, I signed along with Mr Mr B Venkataramanappa the nomination paper of Mr M A Beig Mr Beig told me that this filing of the nomination paper would enable him to tell the independent Members that unless he received the unanimous support of the independents to the office, he would support the Congress Candidate Mr Beig mentioned this to the independent Members at Mr Veerappa's house on the night of 18th Dec 1944

On the said night, Mr L S Raju who was also present asked me whether it was a fact (as Mr Beig himself had told him on the night of 18-12-1944) that I and Mr Beig had gone to Mr Bhashyam's house and come to an understanding that if I and Mr Beig voted for the Congress Candidate, the Congress would support Mr Beig's candidature for the Presidentship for the year 1946 I said it was true and mentioned that it was better for Mr L S Raju to withdraw in favour of Mr Beig as otherwise the latter would certainly vote for the Congress Candidate and not for Mr L S Raju as arranged

Mr. L S Raju said he would withdraw and asked Mr Beig to induce Mr Sivashankar also to withdraw Mr Sivashankar did not withdraw So Mr Beig said that he would withdraw his candidature and vote for the Congress Candidate and asked me also to do so because the Congress would support him (Mr Beig) next year.

On the 19th night Mr V K Govindarajalu called on me and dissuaded me from supporting the Congress Candidate as it was a bargain At my instance we both went to Mr Beig's house Mr V K Govindarajalu advised Mr Beig against the pact as it was an improper thing and vote for Mr L S Raju Mr Beig did not

23/1/1945

not agree but said he would vote for the Congress Candidate as per understanding with Mr Bhashyam to the effect that the Congress would support him for the Presidentship for the year 1946

Mr V K Govindarajalu stated that I at least might act independently. Mr Beig said that my vote was in his pocket and would not allow me to do so

Next morning Mr L S Raju came at about 8 O'clock to Mr Beig's house where I was there Mr Raju had a talk with Mr Beig

At the Municipal Council Hall before the election, Mr Raju advised me that this kind of bargaining was corrupt and bad and asked me to advise Mr Beig I and Beig had consulted and advised him to vote for Mr Raju He declined and requested me in a most humiliating manner to vote for the Congress Candidate

But I voted for Mr L S Raju and also to Mr A K Jayamuthuraju for the Vice Presidentship

Syed Ghouse Mohiuddin

23/1/1945

(24)

BEFORE THE GOVERNMENT OF MYSORE BANGALORE

Petition No of 44-45

P C No 57 of 1944

Petitioners -

1 L S Raju

2 D Venkataramanappa

3 A K Jayamuthuraju

- Vs -

Respondent -

M A Gopalaswamy Iyengar

Pl see hearing on 23/1/45

The respondent begs to file the following statement of objections -

1 The allegations in paragraphs one and two of the petition are correct But the respondent does not admit the various grounds on which the validity of his election is contested

2 The election petition against the - respondent in Miscellaneous Case No 93 of 43-44 referred to in Sub-para(1) of pragraph 2 of the petition was dismissed on 5-1-1945 It is true that there are at present 14 Municipal - Councillors elected on the Mysore Congress Ticket and that the respondent is one of them

3 The allegations in Sub-para (2) of para 2 of the petition are not correct In consultation with the members of the Bangalore City Municipal Congress Party the Parliamentary Committee of the Mysore Congress selected the respondent as the

the party candidate for the office of President of the Bangalore City Municipal Council There is no body or office called the "High Command" of the Mysore State Congress and Mr K T Bhashyam Iyengar had not been entrusted with the duty of choosing the party candidate for Presidentship

4 The allegations in Sub-para (3) of para 2 of the petition are untrue Mr K T Bhashyam Iyengar was not authorised in any manner either by the Bangalore City Municipal Congress Party or by the respondent to act on their or his behalf in regard to the election of the Municipal President It is also not true that Mr K T Bhashyam Iyengar designed to secure at least two votes from the non-Congress members of the Council by way of inducements amounting to corrupt practice in order to secure a real majority for the respondent Even if Mr K T Bhashyam Iyengar has done any act it is - unauthorised and without the knowledge and consent of the respondent and of his party

5 The allegations in Sub-para (4) of para 2 of the petition are totally false Mr K T Bhashyam Iyengar was not authorised to act on behalf of the respondent and he did not - induce Mr Mirza Azizulla Baig and Mr Ghouse Mohiyuddin to vote for the respondent by means of an understanding that if they did so the Congress Party would support the candidature of Mr Mirza Azizulla Baig to the office of President in and for 1946

6 As regards the allegations in Sub-para

Sub-para (5) of para 2 of the petition the respondent does not know whether Mr Mirza Azizulla Baig and Mr Ghouse Mohiyuddin are members of the Muslim League and whether they did not support the respondent in the previous two elections for Presidentship The respondent however understands that Mr Mirza Azizulla Baig has contested the Muslim seat for the Legislative Council from the Bangalore Muslim Constituency in rivalry to the Muslim League party Candidate

7 The respondent denies the truth of the allegations contained Sub-para (6) of para 2 of the petition No inducement was offered either on behalf of the Congress Party or on behalf of the Respondent Nor was there any acceptance of the alleged offer or any pledge to support the respondent in pursuance of any such inducement

8 Mr Mirza Azizulla Baig withdrew his Candidature for Presidentship of his own accord No inducement was offered to him to do so The allegations in Sub Para (7) of para 2 of the petition are therefore false

9 The allegations in Sub para (8) of para 2 of the petition are not true It is not true that Mr Mirza Azizulla Baig went near Mr Ghouse Mohiyuddin whispered to him in his ears and reminded him of the support to the Congress Candidate as per understanding The respondent submits that no sort of undue influence was exercised and that the election has taken place properly according to law It is significant to note that neither the petitioners nor any other

other councillors have complained to the presiding authority of this alleged irregularity

10 The respondent has not secured any votes by corrupt practice and there are no grounds to render his election invalid and liable to be set aside

11 As the voting was by secret ballot the respondent is not in a position to state whether the said two councillors viz , Mr Mirza Azizulla Baig and Mr Ghouse Mohiyuddin have voted for him The respondent has also came to know that some other non-Congress Councillors have stated to have exercised their votes in his favour Before proceeding with the inquiry further it would be better if the Ballot Box is opened and the names of the Councillors who have voted for the respondent are definitely ascertained Even if the said two councillors have voted for the respondent they have done so voluntarily without any corrupt inducement and without any undue influence

12 The respondent requests that the petitioners be called upon to file immediately a list of their witnesses and to serve a copy thereof on the respondent so that the inquiry might be conducted expeditiously The respondent further requests that he may be permitted to engage the services of an advocate to appear and plead on his behalf and that the report of the Municipal Commissioner on the election be sent for admitted in evidence and made part of the record of the case

13 The petitioners have not given full particulars of the corrupt practice alleged to

to have been committed by Mr A T Bhashyam Iyengar In the absence of such particulars the petition is not maintainable The petition does not also disclose any irregularity illegality or other grounds whereby the result of the election has been materially affected

14 The election has been regularly held and is not in any manner vitiated by any kind of corrupt practice The respondent does not admit all other allegations in the petition The respondent therefore submits that the petition is liable to be dismissedx with costs

Bangalore City)
22-1-1945)
23

A T Gopalaswamy Iyengar

Respondent

I the respondent abovenamed declare that what is stated above is true to the best of my knowledge belief and information

Bangalore City)
22-1-1945)
23

A T Gopalaswamy Iyengar

Respondent

Immediate & Confidential

No P C 57/94

From

The Chairman,
Board of Enquiry
re Election of president
and Vice President to
the City Municipality,
Bangalore City.

To

Narayanaswamy Naidu, Esq B.A.B.L.
Legal Remembrancer &
~~The~~ Law Secretary,
Government of Mysore,
Bangalore.

(23)

No.

Dated

Sir,

Ref: G O.No L.7190-2/Ml 42-14-103
dated 17th January 1945

I have the honour to state that both the parties having requested that the ballot box in which the votes of the various members have been deposited might be obtained and examined by the court along with the Commissioner's Report reporting the election, I am to request on behalf of the Board to obtain the same and forward them to me so that if the Board thinks it necessary, it might have it opened and examined

The matter may be kindly treated as immediate

I have the honour to be,
Sir,
Your most obedient servant,
Chairman

PC 57/44

(22)

From
The Deputy Commissioner
& Chairman,
Board of Enquiry
Re Municipal President
and Vice President Elections,
Bangalore City.

To
K T. Bhashyam, Esq.,
B.A.,LL.B.,
Cotton pet,
Bangalore City

Dated 22nd January 1945

A Petition having been made to the Government that there were corrupt practices in the Election of Municipal President and vice President held in December 1944 and the Government having constituted a Board of Enquiry as contemplated under the Election rules, this is to request you to kindly appear before ~~court~~ the Board at 3 P M in the chambers of the Deputy Commissioner B'lore and produce or cause to be produced a letter alleged to have been written to you by Mr. H.C Suryanarayana Rao in connection with the Municipal elections a few days before the Election 20-12-44

22/2

For Chairman
of Board of Enquiry.

PC 57/44 (21)

To

The Deputy Commissioner
& Chairman,
Board of Enquiry
Re: Municipal President
and Vice President Elections,
Bangalore City.

Mr H.C Suryanarayana Rao,
Municipal Councillor,
Bangalore City.

Dated; 22nd January 1945.

A Petition having been made to the Government that there were corrupt practices in the Election of Municipal President and vice President held in December 1944 and the Government having constituted a Board of Enquiry as contemplated under the Election rules, this is to request you to kindly appear with the copy of the letter alleged to have been written by you to Mr.K.T Bhashyam, in connection with the Municipal Presidential Election and to give evidence, on 23-1-45 at 3 p.m in the Chambers of the Deputy Commissioner, Bangalore

For Chairman,
Board of Enquiry.

BEFORE THE BOARD OF ENQUIRY CONSTITUTED BY GOVT:

(in the matter under rule 8 of the Mysore City President and Vice-President Election Rules)

Petitioners:- L S Raju and two others

VS

Respondent Gopalaswamiengar

The Petitioners abovenamed beg to file the following Witness Memo -

MESSRS:

1 Gouse Mohiyuddin, to give evidence(preferably to be cited as Court witness)

2 K T Bhashyam to produce the letter written by Mr H C Suryanarayana Rao a few days before the Election

3 Mr H C Suryanarayana Rao to produce the copy of the letter written to Mr K T Bhashyam ~~and to give evidence~~ in connection with the election in dispute & to give evidence

4 Govindarajulu, V K , to give evidence

5 KM Naganna,- to give evidence
6 M K Narayanaiengar do
7 G R Pthirajulu Naidu do

Bangalore,

January 1945.

First Petitioner

(19)

From

The Deputy Commissioner
& Chairman
Board of Inquiry re
Principal President
& Vice President
Elections

JL
22/1/45

Add the following extra in respective notices

*Mr K T Vijayan (or Counsel if preferred) appeared in response to the notice to appear before court and produced a letter said to have been written to you by Mr H C Vijayaraghavan in connection with the recent election a few days before the election i.e. 20.2.44

Mr H C Vijayaraghavan was asked to appear ~~at this~~ with the ~~[illegible]~~ copy of this letter alleged to have been written by ~~[illegible]~~ you to Mr K T Vijayan in connection with the recent Principal Presidential election and gave evidence

Government having given notice to the Government that there were corrupt practices in the elections of the Principal Presidential ~~[illegible]~~ held in December 1944 and Vice President ~~[illegible]~~ and the Government having constituted a Board of Inquiry as contemplated in the election rules in order to request you to kindly appear before the Board of Inquiry ~~[illegible]~~ at 3 P.M. in the Chamber of the Hon'ble Mr Justice Wadia on Tuesday the 23rd instant ~~[illegible]~~ and give evidence in respect of the same

Deputy Commissioner
& Chairman

GEN & REV SECRETARIAT

No. 7269 Bangalore 19th January 1945

(18)

From

The Secretary to Government to His Highness the Maharaja of Mysore
Law Department

To

The Superintendent,
Government Printing, and Stationery, Bangalore

Sir

I am directed to forward herewith a copy of letter No. C 57/44 dated 18-1-1945 received from the Deputy Commissioner, Bangalore District and to request that the articles of stationery referred to therein may be kindly arranged to be supplied to him immediately. The matter may be kindly treated as immediate.

I have the honour to be,
Sir,
Your most obedient servant,

Narayanaswamy Naidu
Secretary to Government,
Law Department

OFFICE OF THE DEPUTY COMMISSIONER BANGALORE 19 JAN 1945

Memo No. L-7270

19/1/45

Copy of the above is for-

P T O

forwarded with compliments to
the Deputy Commissioner Ba
District for information wi
reference to his letter o P
dated 18-1-1945

By Order

For Secretary to Governo
Law Department

(17)

IMMEDIATE
No P C 57/44

Office of the Dy Commissioner,
Bangalore District,
Dated, Bangalore, 22nd Jan. 194[illegible]

To

The Superintendent,
Government Printing and
Stationery, Bangalore

Sir,

In inviting kind reference to letter No L 7269 dated the 19th instant from the Secretary to Government, Law Department, requesting you to spare certain articles of stationery required by this office in connection with the Board of Enquiry which sits from today, I have the honour to request you to kindly send the same per bearer, Ara, peon of this office

The matter may be treated as extremely urgent

I have the honour to be,
Sir
Your most obedient servant,

22/1/45

For Deputy Commissioner,
Bangalore District

forwarded with compliments to
the Deputy Commissioner Bangalore
District for information with
4

MR K SUBBA RAO B A

P C No 2/44-45

CITY MUNICIPAL OFFICES
BANGALORE
Dated 19th Jan 1945

(16)

Dear Mr Sheriff,

I am in receipt of your letter No PC 57/44 dated 18th instant Of the four Typewriters available in the Office, two have gone for repairs and only two are available for work in the Office I therefore very much regret that it is not possible to spare any Typewriter for the purpose mentioned in your letter

Ref
20/1/45
[illegible]

Yours sincerely,

K Subba Rao

Mohamed Ismail Sheriff, Esq , B A ,
Deputy Commissioner,
Bangalore District, BANGALORE

ksm

Mr. Mahomed Ismail Sheriff, B A ,
Deputy Commissioner.
***

(15)

Bangalore
20th Jan 45.

Dear Sir,

As desired by you, I am sending herewith a copy of the Government Order constituting a Board of ~~enquiry~~ for enquiring into the allegations made by Messrs L.S Raju, P.Venkataramanappa and A K.Jayamuthuraju contesting against the election of the President and the Vice President of the Bangalore City Municipal Council.

Yours sincerely,

A J Khaleel, Esq., B.A , B L ,
Advocate & Municipal Councillor,
Bangalore City.

(14)

Immediate
No P C 37/44 18th January 1945

Dear Mr Subba Rao,

In connection with the enquiry to be started by the Board constituted in G O No L 7190-2/M1 42-4 -103 dated the 17th January 1945 from Monday the 22nd instant, in my chambers I request you to kindly make available ~~two good~~ at least one type-writer~~s~~ of your office for use in this office till the enquiry is over. If necessary this can be sent at 2 P.M. & taken back at 6 P.M. each day with regards.

Yours sincerely,

K Subba Rao, Esq , B A ,
M1 Commr , Bangalore City

DRAFT

Immediate

No P-C 57/44 18th January 1945 13

Dear Sir,

In connection with the enquiry to be started by the ~~Commission~~ Board constituted in G O No L 7190-2/M1 42-4 -103 dated the 17th January 1945 from Monday the 22nd instant, I request you to kindly ~~authorise~~ waive the Superintendent, Govt Sty, Bangalore, the issue of the following articles of stationery to be supplied to my office immediately on before the date of enquiry

Copy wire to the Supdt Govt Press stating for immediate supply of the articles in anticipation of Govt sanction

1	Steno Books	4
2	Pencils	4
3	White paper	1 Ream
4	Carbon paper	2 doz
5	T W Ribbon	One
6	Red & Blue Pencil	One

(3) Have typing paper & if this is difficult to get white paper

Thanking you,

Yours sincerely,

Law Secy to Govt Bangalore

(12)

Immediate & Confidential

Mr. Mahomed Ismail Sheriff, B A ,
Deputy Commissioner.
-:oOo:-

Bangalore,
18th Jan 1945.

Dear Sir,

I am in receipt of your G.O No L 7190-2/41. 42-44-103 dated the 17th January 1945 appointing a Board for making enquiries into the validity of the election of President and Vice President to the Bangalore City Municipal Council under rule 8 of the rules regulating the election of Presidents and Vice Presidents of the City Municipal Councils and to state that I wrote demi-officially to Mr T N Mallappa and Mr A J Khaleel requesting them to meet me at 3 P . today in my Office Chambers It appears that the orders of Government have not been yet communicated by you to Mr A J Khaleel and to Mr Mallappa from the High Court I request that the same may be communicated to them immediately to enable us to begin the work forthwith.

2 We met, however, informally today in my Chambers and discussed the procedure to be adopted during the enquiry In view of the fact that the parties have to be summoned ~~to the~~ and that Penultimate Saturday and Sunday have intervened, it was decided that the earliest date on which the enquiry could commence will be Monday the 22nd instant The parties - petitioners and Respondents - will be requested to appear before the Board on the date under a letter of request. The Steno-typists of my office and that of the Sub Court will be present to take down notes of evidence as witnesses are examined alternatively It is proposed that the notes of evidence must be got typed as soon as the witness is over there and then during the time the other Steno-typist takes down the evidence The Board will sit between 3 and 5-30 P.M. each day The memorandum of evidence will be dictated in English and these notes will form part of the enquiry In case the party wants the summoning of any witnesses, they will be called under letter-

of request

3 It was also decided that with a view to obtain solemnity to the evidence offered, "evidence on oath" will be taken, but if anyone refuses to swear, it will not be insisted upon As the idea whether the enquiry should be conducted in Camera or in a general but restrictive manner or have it completely open, the matter was left open to be decided in the light of any representations that may be made by the parties as to the particular procedure to be followed and so also whether parties should be allowed to appear by Counsels and to cross-examine witnesses as in the case of judicial proceedings was also left open to be decided according to the circumstances that may arise at the time of enquiry

4 A suggestion was made by Mr A J. Khaleel to obtain orders of Government to send for the Ballot boxes and examine it if necessary, in view of the definite allegations made in the petition that particular votes were obtained by offer of inducement to the members but it was considered unnecessary for the present to do so If the parties make representation to that effect and point out the provision of law under which it could be done, the same will be decided on merits

The Members will be very happy if you can favour them with your views in the matter in case you think that any particular procedure indicated above requires any modification In the absence of instructions, we will presume that the procedure suggested above meets with your concurrence

Yours sincerely,

C Narayanaswami Naidu, Esq , B A , B.L.,
Legal Remembrancer & Secretary to Government,
Law Department, Bangalore

Titus

XXX

(11)

Office of the Deputy Commr
B'lore Dist
Dated, Bangalore, 18-1-45

Memo

With reference to your petition dated 22nd December contesting about the election of President and Vice President to the Municipal Council, Bangalore City, you are requested to kindly make it convenient to be present in the Chambers of the Deputy Commissioner, Bangalore, at 3 P M on 22-1-45, with your witnesses, to make any representations that you may have before the Board of Enquiry constituted by Government in the matter under rule 8 of the Mysore City President and Vice President Election Rules

Dy Commr,
B'lore Dt

(8)

Immediate & Confidential.

No P C. 57/44.

Office of the Deputy Commissioner,
Bangalore District,
Dated, Bangalore, 18th January 1945

NOTICE

With reference to the petitions dated 22-12-44 presented by Messrs S Raju, A.K Jayamathuraju and D. Venkataramanappa to Government contesting about the election of President and Vice President to the Municipal Council, Bangalore City, you are requested to kindly make it convenient to be present in the Chambers of the Deputy Commissioner, Bangalore, at 3 P M. on 22-1-45 to make any representations that you may have before the Board of Enquiry constituted by Government in the matter under rule 8 of the rules relating to the Election of Mysore City Presidents and Vice Presidents.

Deputy Commissioner,
Bangalore District.

O/C

To - Messrs M A Gopalaswami Iyengar and H B Shankarappa
(Municipal Councillors)

(7)

Immediate & Confidential.
No P C 57/44

Office of the Deputy Commissioner,
Bangalore District,
Dated, Bangalore, 18th January 1945.

~~W a r n.~~ Notice

With reference to your petition dated 22nd December 1944 contesting about the election of President and Vice President to the Municipal Council, Bangalore City, you are requested to kindly make it convenient to be present in the Chambers of the Deputy Commissioner, Bangalore, at 3 P.M. on 22-1-45 with your witnesses to make any representations that you may have, before the Board of Enquiry constituted by Government in the matter under rule 8 of the Mysore City President and Vice President Election Rules.

Deputy Commissioner,
Bangalore District.

Immediate

Office of the Deputy Commissioner,
Bangalore District,
Bangalore, dated 17th Jan. 1945.

(6) DESPATCHED
Dt 17-1-45

Dear Sir,

Adverting to Government Order No.L.7100-Pol-40-11-100 dated the 17th instant constituting the Commission of the marginal, noted members to enquire into the validity of election of the President and the Vice President of the Bangalore City Municipality Council, I request you to be good as to meet me in my office chambers at 3 p.m. tomorrow the 18th inst at to discuss the preliminaries in this connection.

1. Deputy Commissioner, Bangalore District. Chairman.
2. Sri. T. N. Mallappa B.A., B.L., Subordinate Judge, Bangalore.
3. Mr. A. J. Khaleel Esq., B.A., B.L., Advocate and Municipal Councillor, Bangalore City.

Yours sincerely,

To,
1) T N Mallappa Esq B A BL, (Supt)
Subordinate Judge Bangalore
2) A J Khaleel Esq BA, BL,
Advocate & Mnl Councillor
Basavanguddi Bangalore
17/1

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

(5)

Read:-

Petition dated 22-12-1944 by Messrs L S Raju, D Venkataramanappa and A K Jayamuthu Raju, Members of the Bangalore City Municipal Council, contesting the validity of the election of Mr M A Gopalaswami Iyengar, Municipal Councillor, Bangalore City as the President of the Bangalore City Municipal Council, at the meeting of the Municipal Council held on 20-12-1944

2. Petition dated 22-12-1944 from the above Councillors contesting the validity of the election of Mr H B Shankarappa as Vice-President of the Bangalore City Municipal Council at the meeting held on 20-12-19

ORDER NO - L 7/90-2 Enc Petitions / Mr 42-44-43
BANGALORE, DATED 17th January 45.

Having regard to the allegations made in the above petitions, Government are pleased to direct that an enquiry be made into them by a Board consisting of the following Members, as laid down in rule 8 of the rules regulating the election of Presidents and Vice Presidents of the City Municipal Councils -

1) The Deputy Commissioner, Bangalore District -- CHAIRMAN
2) Mr T N Mallappa, Subordinate Judge, Bangalore
3) Mr. A J Khaleel, Municipal Councillor elected by the Bangalore City Municipal Council

2. The Board is requested to commence its enquiry forthwit and to submit to Government its report with its findings on the s allegations made in the above petitions, within one week from the date the Board begins to sit

OFFICE OF THE DEPUTY CO I ... - JAN 1945 BANGALORE DISTRICT

For Secretary to Government
Law Department

To

1. The Deputy Commissioner, Bangalore District with the petition in original
2. The Registrar, High Court, Bangalore
3. The Municipal Commissioner. Bangalore City

Proc No 46/44 (4)

Minutes of the Proceedings of the Special Urgent Meeting of the City Municipal Council Bangalore held on Tuesday the 16th January 1945 at 4 P M in the Council Hall of the City Municipal Offices Bangalore

Present

Mohemad Ismail Sheriffl Esq B A

Deputy Commissioner Bangalore District & Ex-Officior President

Messrs

1 M V Veerappa
2 G R Ethirajulu Naidu B A B L
3 N Kesaviengar B A ,B L
4 W H Hanumanthappa
5 Ramalal Thiwari
6 C Chenniah
7 Singam Rangasamappa
8 S Visva Murthy B A
9 H B Shankarappa
10 B N Gupta
12 C N Narasinga Rau,B A ,B L
13 L S Raju M A(Hons)B L
14 T T Sharma
15 M A Gopalaswami Iyengar M A,,B L
16 M K Narayana Iyengar B A BL
17 H C Suryanarayana Rao
18 K M Naganna
19 K Ambrose Anada B A B T
20 Misrilall Parasmull
21 Misrilall Parasmull

2 21 S Ghouse Mohiyuddin
22 G Nanjappa
23 A M Khaleel B A ,B L

Absent

Messrs

1 P V Ramachandra Gupta
2 D Venkataramanappa
3 K N Ramaswami B A
4 P Sivashankar B A LL B
5 Mrs Dwarika Bai Vedantam
6 Mirza M Azeezulla Beig

7 V a c a n t

At the commencement, the President informed the House that Messrs K M Naganna and some others had sent in a resolution conveying the sincer e and loyal felicitations and congratulations of the Council to His Highness on the conferment of the Title of G C S I by His Majesty the King Emperior, and with the permission of the House he moved the following resolution -

"This Council respectfully begs permission to tender its most loyal and sincere felicitations and congratulations to His Highness the Maharaja of Mysore on the happy occasion of the conferment of the Title of G C S I by His Majesty the King Emperor"

This was approved by the House unanimously

Then the President informed the House that the object of convening this Special Urgent Meeting was that the Goverment had appointed a Board under Rule 8 of the Rules of Election to enquire into the allegations made in the objection petition (against the election of the President and Vice President by Mr L S Raju and others and that this meeting was convened to elect a Councillor and depute him to serve on the said Board He then made known the details of the letter of Government to the Members and said that they might depute somebody to serve on the Board

Mr B N Gupta observed that while the Rule under reference contemplated the deputing of a ~~xxxxxxxx~~ Councillor, the notice calling for the meeting had said that it was for electing a Councillor and wanted to know if the two were not different and he was informed that it was not possible to depute anubody unless through an election

Then Mr H C Suryanarayana Rao proposed and Mr G Nanjappa seconded that Mr G R Ethirajulu Naidu may be deputed, while Mr M V Veerappa moved and Mr C Chenniah seconded that Mr A J Khaleel may be deputed

Mr C N Narasinga Rau raised an objection that since they had to elect a person to serve on the Board as a Judge it was necessary to know who the signatories to the petition were and who would be cited as witnesses so that they might exclude them from being sent as deputy Mr B N Gupta said that this objection ought to have been raised earlier and not at that stage Mr M K Narayana Iyengar said that since Mr L S Raju was the first signatory to the objection petition, he would know the other signatories and may inform the House Mr L S Raju said that he would cite Mr G R Ethirajulu Naidu as a witness before the Board and ~~xx~~ that in addition to himself Messrs A K Jayamuthuraju and D Venkataramanappa were the other signatories

Then the votes were taken for determining as to who were for deputing Mr G R Ethirajulu Naidu and who for Mr A J Khaleel 9 voted For Mr G R Ethirajulu Naidu and 8 for Mr A J Khaleel

Mr. C N Narasinga Rau demanded poll and Mr. M V Veerappa seconded it

The following voted for Mr G R Ethirajulu Naidu -

Messrs G Nanjappa H C Suryanarayana Rao B N Gupta M K Narayana Iyengar N Keshaviengar S Visva Murthy and W. H Hanumanthappa

The following voted for Mr A J Khaleel -

Messrs C N Narasinga Rau Singam Rangaswamappa M V Veerappa K Ambrose Ananda, Misrilal Parasmull, K M Naganna C Chenniah and Syed Ghouse Mohiyuddin

The following remained neutral - Messrs Ramlal Thiwari and T T Sharma and the following did not take part in the voting - Messrs L S Raju, A K Jayamuthuraju H B Shankarappa M A Gopalaswami Iyengar A J Khaleel, & G R Ethirajulu Naidu

Resolution - Mr A J Khaleel is elected and deputed under Rule 8 (c) of the Rules of Election as a Non-Official Councillor to sit on the Board of Enquiry to be appointed by Government to dispose of the Election Petition

Then the meeting terminated

Sd Mohamed Ismail Sherfff
Ex-Officio President

"Copy"

President

Extract from the Minutes of the Proceedings of the Special Urgent Meeting of the City Municipal Council, Bangalore, held on 16-1-1945 in the Council Hall of the City Municipal Offices Bangalore

"This Council respectfully begs permission to tender its most loyal and sincere felicitations and congratulations to His Highness the Maharaja of Mysore on the happy occasion of the conferment of the Title of 'G C S I ' by His Majesty the King Emperor"

Moved by the Chair, Seconded and adopted by the House unanimously

Sd Mohemad Ismail Sheriff.
Ex-Officio President

" Copy "

Ex-Officior President

Immediate & Confidential

(3) 11/1/45

Dear Mr Subba Rao,

I enclose herein draft notice convening a s ecial meeting of the Cit' Municipal Council on the 16th instant at 4-P M I shall be obliged if you kindly see that the notice is issued to all the Councillors and arrangements made for holding the meeting

Thanking you

Yours sincerely,

Municipal Commissioner
Bangalore City Municipality

(2)

Urgent

Office of the President,
City Ml Council, Bangalore,
11th January 1945

Memo

Government having ~~contemplated~~/~~in rule~~ ordered the constitution of ~~to form~~ a board as ~~now~~ ~~desired~~ contemplated under 8~~1~~ of the rules regulating the election of Presidents and Vice Presidents of City Municipal Council~~s~~, to enquire into the allegations contained in the petition filed by Messrs L S Raju and two other Municipal Councillors contesting the validity of the election of Messrs M A Gopalaswami Iyengar and H B Shankarappa as the President and Vice President of the Municipal Council respectively, a special ~~general~~ meeting of the Municipal Council will be convened on Tuesday the 16th instant at 4 P M in the Council Hall of the Municipal Office for the election of a non-official ~~President by then~~ Councillor, vide rule 8 (c) of the above rules to ~~sit~~ serve on this Board

Ex-officio President

DRAFT

OFFICE NOTE

OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE DISTRICT

Current No / Spl Reg No /19 —19

Reference No **dated**

From

Subject —(With Title heads and Catchword underlined)

No L 6922

Immediate

The General
City Central Jail

Revenue Secretary
to Bangalore

January 1945

From

The Secretary to Government
Law Department
Bangalore

Deputy Commissioner
Bangalore District
and Ex-officio President,
City Municipal Council
Bangalore

Rd at
9.15 pm
11/1/45

Sir,

With reference to your letter No C.J. Ex. P R 13/144 dated 2nd January 1945 from the Municipal Commissioner, Bangalore City reporting that you have assumed charge of the office of the Honorary President of the Bangalore City Municipality on the afternoon of the 31st December 1944 I am directed to state that in connection with the petitions filed by Messrs K S Raju & others municipal councillors

contesting the validity of the election
of messrs M A Shankaraiya as the President
and Vice President of the Municipal Council
respectively, the Government have
decided to appoint a Board as
contemplated in rule 8 of the rules
regulating the election of Presidents &
Vice Presidents of City Municipal Councils,
to enquire into the allegations
contained therein and to submit its
report with its findings
In this connection, I am to request that
a special general meeting of the
Bangalore City Municipal Council may be
urgently called and held within three
or four days for the
election of a non-official Councillor
by them to sit on this Board and
to forward his name to Government
urgently

Yours etc
[illegible]
Secretary to Govt

TABLE OF CONTENTS

Reference to Page No in the file

1 Letter No 6922/41 dated 11-1 45 from the Law Secretary

2 Memo dated the 11th Jan 1945 calling for a special meeting of the Municipal Council

3 D O Letter dated 11 1 45 addressed to the Municipal Commissioner for causing issue of the above memo et

4 Minutes of the Proceedings of the Special urgent meeting of the Municipal Council Bangalore held on 16th January 1945

5 G O No L 7190 2/II 42 44-103 dated 17th Jan 1945 constituting the Board of Enquiry

6 D O letter dated 17 1-45 addressed to the members of the Board for discussion of the preliminaries

7 Notice No P C 57/44 dated 13 1 45 issued to the petitioners requesting their presence at 3 P M on 22 1 45

8 Notice do- issued to the Respondents

9 Petition dated 22-12 44 presented by petitioners to Govt re Vice President s election

10 Petition dated 22 12-44 presented to Govt re Presidential election (By petitioners)

11 Copy of memo issued to the Petitioners requesting them to be present at the Board on 22-1-45

12 Letter No P C 57/44 dated 13-1-45 addressed to the Law Secretary to Govt re the lines on which the Enquiry is proposed to be conducted

13 D O letter dated 13-1 45 to the ~~Superintendent~~ Law Secretary to Govt placing indent for certain articles of stationery required for the Board of Enquiry (Copy to Supdt Govt Sty)

14 D O Letter dated 13 1 45 to the Municipal Commissioner re sparing one Typewriter of his office for use in connection with the Enquiry

15 D O lettter dated 20th January 1945 addressed to Mr A J Khaleel sending copy of G O constituting the Board

16 D O letter dated 19-1-45 from the Municipal Commr re sparing of Typewriter

17 Letter dated 22-1-45 addressed to the Superintendent of Govt Stationery inviting attention to Law Secretary s letter addressed and requesting fowardal of the same for purposes of enquiry

18 Letter dated 19-1 45 from th Law Secretary to Govt to the Supdt of Stationery requesting him the supply of articles of stationery

19 Memo dated 22-1-45 requesting the attendance of certain witnesses

20 Memo filed by the petitioners citing therein the witnesses to be summoned for purposes of this enquiry

21 Memo dated 22-1 45 to Mr H V Suryanarayana Rao for appearance

22 -do- Mr K T Bhashyam Iyengar

23 Letter dated 23 1-45 addressed to Secretary to Govt Law Dept requisitioning the Ballot box etc

24 Objection statement of the Respondent dated 23-1-45

25 Written Statement of Mr Ghouse Mohiaeen dated 23 1 45

26 Precis copy prepared by Mr L S Raju for purposes of arguing the case

27 Vakalat dated 23 1 45 presented by Mr Nittoor Srinivasa Rao and K R Gopivallabha Iyengar for Mr M A Gopalaswami Iyengar

23 Tai Naidu dated 21st October 1944

29 Vakalat dated 23 1 45 filed by Mr Nittoor Srinivasa Rao and Mr K R Gopivallabha Iyengar for Mr H B Shankarappa

30 Objection Statement dated 23-1 45 of Mr Shankarappa

31 Vakalat dated 24-1-45 filed by Messrs V Srinivasa Iyengar and G R Doraswamy for Mr L S Raju

32 Letter No C1-C F 13/44 dated 20th Decr 1944 from the Municipal Commissioner (thro Pr sident) to the Law Secretary reporting the result of elections

33 Letter dated 23-1 45 from the Law Secretary to Govt to the Municipal Commissione re the ballot box (copy)

34 Letter dated 24 1 45 from the Municipal Commissioner forwarding the Ballot Box etc

35 Memo dated 24 1-45 filed by Mr L S Raju for copies of depositions of witnesses in the case

36 Letter of request for appearance of witness (not issued)

37 Memo dated 25 1 45 by the Respondent applying for copies of depositions of witnesses

38 Letter of acknowledgment dated 25 1-45 addressed to the Municipal Commissioner re receipt of sealed cover

39 Copy of sworn affidavit filed by Mr L S Raju said to have been signed by Mr M A Baig

40 Sworn affidavit in Urdu filed Mr L S Raju do-

41 Memo dated 25-1 45 from the Counsel for the petitioner requesting that the Commissioner of the City Municipality be

42 Letter of request dated 25 1-45 to Mr K T Bhashyam Iyengar and Mr K Shamaraja Iyengar for appearance

43 D O letter dated 26-1-45 addressed to the Municipal Commr requesting the forwardal of the proceedings of the Municipal Council meetingdated 4-12-44

44 -do- requesting to obtain and forward the draft of the report submitted to Govt by the Ag Comm

45 Memo dated 25 1 45 filed by the Counsel for the Petitioner requesting the grant of a copy of the deposition of Mr M A Beig and also the statement of Mr Ghouse Mohideen

46 Minutes of the proceedings of the special meeting of the City Municipal Council dated 4-12 44

47 Copy of letter dated 29-12 44 from the Ag Mu Commissioner addressed to the Secretary to Government Law Department on the petition of r A K Jayamuthuraju etc

48 Copy of letterdated 23 12 44 from the Ag Municipal Commissioner re the petition of Messrs L S Raju etc

49 L O letter dated 26-1 45 from the Municipal Commissioner forwarding the above reports (Sl Nos 43 and 47)

50 Daily News dated 21-10-44 (Ex 'C')

51 Daily News dated 9 12 44 (Ex P1)

52 Vartha dated 1-12-1944 (Ex "F")

53 Daily News dated3-12-1944

54 Vartha dated 27 1 45 ("Ex G")

55 Authorities quoted by Mr L S Raju in support of his arguments

56 Authorities (Law) quoted by the Counsel for the Respondents in support of his arguments

57 Respondent s memo dated 1-2 1945

58 Statement showing the number of votes obtained by each candidate at the election

59 Copy of letter dated 2 2 45 addressed to the Municipal Commissioner r turning the Ballot Box

60 Proceedings of the Board of Enquiry from day to day from 17 1 1945 2 2-1945

-:oOo:-

[illegible] of a board of enquiry
co[illegible] under [illegible] 7 30/ [illegible] 103
[illegible] 17 1 1945 to [illegible] into the allegation
[illegible] about t[illegible] issue [illegible] and [illegible] from [illegible]
[illegible] electors t the City [illegible] in [illegible]
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Present [illegible]
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T[illegible] B[illegible]
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pr [illegible] under [illegible] and circumstances [illegible] as alleged in the petition [illegible] it was contended by Rapp that tr [illegible] inquiry will b [illegible] unnecessary [illegible] n no vot [illegible] or tn [illegible]'s

[illegible] also [illegible] that it was necessary to [illegible] for the ballot box and ex[illegible] h [illegible] not fully [illegible] with [illegible] ter [illegible] ort on [illegible] [illegible] contention of Rapp

bout [illegible] of tr [illegible] ot box and [illegible] that the over [illegible] b [illegible] ess [illegible] t [illegible] for [illegible] report reporting the [illegible] but in t [illegible] the r [illegible] evidence [illegible] rot b [illegible] [illegible] tr [illegible] [illegible] question [illegible] of [illegible] ope [illegible] s ruti risky [illegible] vo will [illegible] con [illegible]

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of [illegible] 7 [illegible]

They are

[illegible]

1 [illegible] only [illegible]

[illegible]

4 [illegible] [illegible]

5 [illegible]

6 [illegible]

7 [illegible]

* letters of regret to appear & give [illegible]

~~[illegible]~~ we [illegible] to [illegible]

[illegible] except [illegible] 1st [illegible] letter we

[illegible] Secretary [illegible]

to [illegible] for [illegible] [illegible]

[illegible]

23/1/45

[illegible]

23/1/45

[illegible]

[illegible] 2[illegible] 1-45

23/1

23-1-45

Parties present, except Mr D Venkataramanappa, Petitioner

Messrs Nittoor Sreenivasa Rao and
K R Gopivallabha Iyengar filed Vakalath
on behalf of both the Respondents

Board resumed sitting at 3 P M today

Mr K T Bhasyam was present in response to the letter of request that was sent to him He says that he does not know what letter he is requested to produce On being told that a letter had been addressed by Mr H C Suryanarayana Rao to him in connection with the election of the President and Vice President of the City Municipality Bangalore and that it was that letter that was required to be produced, he says that he does not remember having received any such letter He says, he searched for it and did not find any such letter

Mr Gopalaswamiengar has filed his written statement to-day through his counsel Mr Shankarappa says that his statement is with his Clerk who has gone somewhere and would file it in the course of the day

The next witness to be examined is Mr Ghouse Mohideen, Editor of Al-Kalam Prss Kalasipalyam Bangalore City

Duly sworn to

Mr L S Raju examined him

"I received a copy of the petition filed in this case to-day from Mr Raju in the Municipal meeting yesterday and he requested me to go over to this place whether I received any letter of request or not The letter of request was given to me to-day in this Office I have read copy of

of Mr Raju's petition in the case With regard to the allegation against him stated in the said petition, I have got a statement which I file herewith (it was read out)(Counsel for Mr Gopalaswamiengar stated that when the witness was present in person, written statement need not be taken But this was overruled.) On the 7th or 8th December 44 at about 3 p m I was invited by Mr Bhasyam Iyengar on phone to come He merely invited me for Tea and said, he would like to discuss on certain - points. I had no such invitition before after some time Mr Mirza Azizulla Beigh also rang me up asked me if I had received an invitation from Mr K T Bhashyam and on being replied in the affirmative he told me that he would bring his car and both of them might go and went accordingly. While at Tea, Mr M.A Beigh informed Mr Bhashyam that since last 18 years there had not been a Muslim President and that he was very anxious that he should be elected as President of the Municipality Mr Bhashyam Iyengar pleaded his inability to help him this year as other persons, (viz , Messrs Ethirajulu and M A Gopalaswami Iyengar) had been thought of, but added that in case Mr M A Beig and himself voted for the Congress candidate, he will consult the Congress party members if w they will agree to instal him as President with effect from 1st January 1946 The talk was in connection with the election of both the President and the Vice President, i e to say, Mr Bhashyam's condition implied that they should support Congress candidates for the offices of both the President and Vice President

Mr M A Beig agreed, on condition that if he would be made the President next year, he would vote for the Congress candidates both for the offices of the President and Vice President At that time, Mr Shankarappa's name was mentioned for the office of the Vice President and for the office of the President, the names of Messrs Ethirajulu and M A Gopalaswami Iyengar were mentioned in the alternative Mr Bhashyam invited me for Tea just to discuss these matters along with Mr M A Beig Mr Bhashyam Iyengar told us that it was very good of us to have supported the differing motion of the Congress party in connection with the construction of the poor houses

I know Mr K M Naganna I met Mr Naganna in Mr M A Beig's house after this talk at about 8 P M one or two days later This was before the nomination papers for the office of the President and Vice President were filed I was present as also Mr M A Beig Mr Naganna canvassed his support for the independent candidate, whose name was not given Mr M A Beig said that he was a nominated member and that he was not sure of being nominated next year and, therefore, unless he was assured of the unanimous support of the independents to the office of the Presid he would not vote for an independent candidate Mr Naganna stayed there till 10 O'Clock Then, Mr Naganna asked us to wait there and that he would go to Mr Veerappa's house where independent members were meeting and communicate to us the decision of the said meeting there At about 11-30 we heard from Mr Naganna on phone that Mr M A Beig's case was not supported by the party Mr M A Beig felt sorry and told me that I must support the Congress candidate I myself presented the nomination paper of

Mr M A Beig duly signed by myself and Mr Venkataramanappa Mr. Bhashyam Iyengar, Mr Ethirajulu and Mr K N Ramaswamy were present before the Ag Municipal Commissioner and they had already handed over the nomination papers in their presence, I handed over this application The Congress people had nominated Mr Gopalaswami Iyengar Mr Bhashyam Iyengar talked to me expressing surprise that a nomination paper of Mr M A Beig was there, and said that he did not understand the mystery, while Mr M A Beig had promised to support the Congress candidate, his name was being filed as a candidate I told him that the nomination was a mere stunt and that he would withdraw just before the actual election Myself and Mr M A Beig met Mr Bhashyam Iyengar again in his house after the nomination papers were filed some two or three days after filing the nomination papers at about 3 O' Clock Mr K Shamaraja Iyengar was present there Mr Bhashyam Iyengar asked Mr M A Beig to explain how he had filed nomination paper He replied that it was a mere stunt and that he meant withdrawing it at the time of election Mr Bhashyam said that he had consulted all the Congress Municipal members and that they have agreed to support him next year and he requested Mr M A Beig to exercise his vote in favour of the Congress candidate and Mr M A Beig agreed to this Mr M A Beig had all along been persuading me to vote on behalf of the congress candidate, but I was all along trying to persuade him that he being a the Vice President of the Muslim league he should not exercise his vote in favour of a Congress candidate Myself and Mr M A Beig have been very close friends from a long time besides my Press situates in a a house which belongs to a very close relative of Mr M A Beig After this meeting, I have been closely moving with Mr M A Beig I know Mr Veerappa's house There was meeting there on the 18th December 1944 Myself and Mr M A Beig had attended the meeting Mr L S. Raju was also present there That was a meeting of the independent Councillors Several others including

Mr Shivashankar had come At this meeting, Mr M A Beig stated that all must vote in his favour, otherwise, the Congress party has given him an assurance to make him the President next year He said next that if they did not vote for him, his vote would go to the Congress candidate Mr M A. Beig added that my vote was in his pocket and that I would vote wherever he voted On the 18th night, Mr L S Raju called me at my residence and spoke to me He asked me if I had gone to Mr Bhashyam Iyengar's house and whethe there was an understanding that in case we voted for the Congress, they would vote for Mr M A Beig next year I said it was a fact By that time, the name of Mr Shivashankar and Mr L S Raju had been proposed for the office of the President I told Mr L S Raju that since he was not getting Mr M A Beig's support, he might withdraw in support of Mr M A Beig - by which time, Mr M A Beig also came to the place whwere we were talking Mr L S Raju told Mr M A Beig that he would withdrawn and asked him to induce Mr Shivashankar also to withdrawm Mr Shivashankar said that lots may be drawn, and the person in whose favour the lot was drawn should be chosen Mr M A Beig did not agree to this, and said that they must all unanimously elect Then both of us left the place in Mr M A Beig's car

I know Mr V K Govindarajulu, Advocate and Ex-Municipal President On the 19th, Mr V K Govindarajulu came to my office in Kalasipalyam at about 8 P M and took me in his Car to Visveswarapuram Circle The car stopped here and Mr Govindarajulu requested me that I should exercise my vote in favour of Mr L S Raju Then, I told him that my vote was already reserved for Mr Raju and that hexxxx need not persuade him

and the most important thing was that he must persuade Mr M A Beig to exercise his vote in favour of the independent candidate Both of us went to Mirza Hall as Mr Govindarajulu wanted to have a talk with Mr Beig Mr Beig said that it was an open place and hence, it was decided that all of us should meet at Mr Beig's house. All three of us went to Mr Beig's house in Mr Govindarajulu's car Mr Govindarajulu went on talking with Mr Beig in trying to persuade him to exercise his vote in favour of Mr Raju and Mr Jayamuthuraju Mr Beig did not agree to this saying that he had a definite promise from the Congress that he would be elected as President next year and that he had given his word of honour to support them, and hence, he would stick up to it This was on the 19th night The election was on the 20th morning On the 20th morning Mr Raju had come to Mr Beig's house to meet him I was there Mr Raju had a talk with Mr Beig privately, At the Municipal meeting, before the Election took place, Mr Raju had a talk with me Mr Raju told me to advice Mr Beig that this kind of bargain was improper and that I should advise him I met Mr Beig in the Council room and told him that this was a corrupt practice All the while, I had been advising him Mr Beig did not agree to what I said and begged of me to vote for the Congress and added that he would even touch my feet Just before my name was called for purposes of voting, he came to my seat and told me to save his honour

Examined by Mr A K Jayamuthuraju, the witnesses stated:

On the 19th I told Mr Jayamuthuraju that my vote is always his and that he might go to Mr Beig and secure his vote On the 19th between 2-30 and 3 P M , Mr Jayamuthuraju had gone to Mr Beig's house when these people were talking Mr Jayamuthuraju asked for his support irrespective of how he voted for the President

In response to a question whether Mr Beig did not say that he would not vote for him as he had decided to vote for the Congress/
Mr Ghouse Mohiyuddin replied in the affirmative

Cross-examined by Mr Sreenivasa Rao, Counsel for the Respondents, the witness stated

"Nobody suggested to me to prepare a statement and file it here As Mr Raju told me that I should come for being examined today, I took down all the facts in the form of a statement to file it, if necessary or to keep it by I knew that the enquiry would be going to be in respect of both the President and Vice President I was aware of some of the facts relating to the election of the President and Vice President I did not remember to put the conversation between Mr Jayamuthuraju, Mr Beig and myself My clerk got the statement typed in Balepet - the exact place, I do not know The statement is in my own language and have not taken anybody's help to draft it I did not tell Mr Bhashyam that my vote is not in Mr Beig's pocket as represented by him I did not mentioned anything about my vote to Mr Bhashyam I did not tell Mr Bhashyam that such kind of promise would amount to corruption I am standing for the Representative Assembly on the ticket of the Muslim League Mr Raju is not sparing his Car to help me in my election campaign I have got my own carriage Mr Bhashyam first stated that he was speaking in his individual capacity In the next meeting, he stated that he was speaking in the representative capacity of the Congress party Municipal Councillors and as a Representative of the Congress As Mr Beig had given a definite promise to Mr Bhashyam that he would support the Congress candidate on the promise of being unanimously supported by them next year, I asked Mr Beig whether it was proper on his part to take these contradictory positions to which he replied that if he could get a chance this year it is

alright Otherwise, he would be sure of his chance next year Mr Beig withdrew his application on the date of election I did not know why Mr Beig waited till the last moment to withdraw I did not approve of the understanding between Mr Bhashyam and Mr Beig As he was pressing me that he might have his chance this year only, I filed his nomination paper I objected to file any nomination paper as he did not derive support from the independents To my objection, Mr Beig said that he might have a chance till the last moment and that he might file the nomination paper My nomination Mr Beig was not due to the fact that the understanding between him and Mr Bhashyam was not definite but whereas the nomination was now on the possibility of an immediate chance occurring Both myself and Mr Beig are members of the Independent party at that time but now, I continue to be an Independent party man and re Mr Beig, I do not know his present position There is no resolution from Muslim League that Congress candidates should not be supported

Re-examined by Mr Raju, the witness stated

I have not received so far a copy of the petition filed by Mr Jayamuthuraju contesting the validity of Mr Shankarappa Mr Raju gave me a copy of his petition

Examination of Mr H C Suryanarayana Rao, of the Mysore Steel Coy , by Mr L S Raju

"I am a leader of the Congress Municipal party in the City Municipal Council I have written several lettters to Mr Bhashyam Iyengar now and then I have written number of letters generally and all subjects including the elections I generally do not keep copies of what I write to him I write them straighaway I do not remember having written any letter in connection with any Muslim candidate being appointed as President Mr Gopalaswami Iyengar is a party candidate and not an individual candidate I as a Leader, did not file the nomination paper of Mr Gopalaswami Iyengar I did not go to the Municipal Office on the day of filing of nomination papers There was a talk of Mr Ethirajulu also being a candidate to the Presidentship Mr Bhashyam was taking interest in the elections under the instructions of the Congress Parliamentary Board I cannot understand what is meant by Congress High Command "

Examined by Mr Jayamuthuraju, the witness says:

Even the nomination of the Vice President was nomination from the Congress party (Municipal Congress party) We select the candidates and send them for approval to the Parliamentary Board of the Congress

Cross-examined by Mr Srinivasa Rao, Counsel for the Respondents, the witness says:

"I am not aware of the Municipal Congress party asking Mr Bhashyam to carry on negotiations with Mr Ghouse Mohiyuddin or with Mr Beig If they had authorised Mr Bhashyam, as leader of the party, I would certainly have been aware of it The Municipal Congress party selected the candidatesfor the office of the President and Vice President Mr Bhashyam would send

our recommendation and also his opinion to the Parliamentary Board and with the Parliamentary Board, the final decision rests I was present at the Election meeting I did not observe whether Mr Beig went near Mr Ghouse Mohiyuddin on the day of the election

Re-Examination by Mr L S Raju, ~~with~~ witness says (with permission)

"Parliamentary Board has got power to delegate its power to one member 14 is the strength of the Municipal Congress party and the strength of non-congress party is 15 It was clear that unless two votes were secured from the non-Congressm members by the Congress candidate, there was no chance for a Congress candidate

~~Further~~ cross-examination ~~on the Re-examination~~

Mr Bhashyam is not a member of the Congress Parliamentary Board

Re-examination by Mr L S Raju

"Mr Bhashyam was an ex-President of the Congress

Examined by Mr L.S Raju, Mr M K Narayana Iyengar, says:

Duly Sworn :- " I am a member of the Municipal Congress party and a Municipal Councillor The strength of the Congress Municipal Councillors is 14 who are entitled to vote at the Election The strength of non-Congress Municipal Councillors is 15 I do not think I was present at the time the nomination papers were presented in the Municipal Office I do not know who all went there I went there a few minutes earlier when Mr Raju's nomination paper had been filed and ours had not been filed Mr Gopalaswami Iyengar was a Congress party candidate I know Mr Bhashyam He was taking interest in the elections and ~~and~~ in favour of the Congress Municipal party We knew that the success for the Congress party candidate depended on getting at least two votes from outside the Congress party Mr Raju came and saw me with Mr Belur Srinivasa Iyengar on 14th December 1944 and he requested me for my vote I replied that as Mr Gopalaswami Iyengar was standing as Congress party candidate, his vote would naturally go to him I do not remember if Mr Raju asked me if the information that Mr Beig would vote for the Congress candidate/if the Congress would vote for him next year was correct In fact, my remembrance is that the whole talk was with Mr Belur Srinivasa Iyengar Mr Belur Srinivasa Iyengar did not put me this question I cannot remember if I told Mr Raju that the Congress party had made arrangements with Mr Beig My remembrance is that Mr Raju confined himself to his request He did not try to secure any vote from outside the Congress party I know Mr Shamaraja Iyengar He is a Congress man and takes interest generally in all matters and he would always like matters concerning Congress

Cross-examined by Mr Srinivasa Rao, Counsel for the Respondents, the witness says:-

All Congress men take interest at the time of elections irrespective of success or otherwise to the Congress candidates

~~Rexxx~~ Re-examination:- N i l

Examination of Mr K.M. Naganna, by Mr L.S Raju

Duly sworn - I had been to the house of Mr M A Beig in connection with the election of the Municipal President and Vice President in December last It was on 10th December 1944 The nominations for the Election were on the 11th I was with Mr Beig between 10 A M to 4 P M and again from 6-30 to 8 P M There was nobody in the morning In the afternoon, Mr Ghouse Mohiyuddin and Mr Oosman Khan were present I had gone there to canvass the vote on behalf of the independent candidate In the meanwhile, I had been informed that he had some reason to go against our party in giving his vote I wanted to know the truth and pacify him, if possible He told me that being a Muslim he wanted that a chance must be given to the Muslim community and that he should be selected this year only I told him that this matter to be decided by the party In the meanwhile, information was received that he had been negotiating with Mr Bhahshyam which had created some misunderstanding in the party Therefore, he shoul not press for his claim this time I told him that if the Congress people were agreeable to support him this year, our object would be won but if they had promised him to support next year, we would also support him next year Mr Beig stuck up to his position and told me that he would not accept to the way for next year I gave him time till the evening to consider over the matter and to let me have a reply as we were all meeting in Mr Veerappa's house and as leader of the party, I had to give the decision to him in this connection I met Mr Beig again in the night Then also, he stuck up to his position and said that he must be nominated this year alone, if not

he would ~~leave~~ take changes ~~to give~~ by themselves In the meeting, we did not decide in favour of Mr Beig On the telephone I phoned to Mr Beig that it was not favourable to him There was another meeting on the 18th in Mr Veerappa's house It was attended to by Mr Beig ~~xxx~~, Mr Ghouse Mohiyuddin and others Even then, Mr Beig made the same request that he should be elected this year itself This, the members did not agree I am a leader of the Independent party

Cross-examination by Mr Srinivasa Rao, Counsel for the Respondents:

Ultimately it was decided that Mr L S Raju should be nominated from the Independent party Previously, the party had left it to my decision Pending final decision, I had sent up nomination papers in respect of Mr Shiva Shankar and Mr L S Raju In the normal course, Mr Beig should have voted for us, but ~~in the disputing~~ on account of our disputed position, I went to him to make sure myself Till the end, I had no idea that he would ~~xxx~~ go beyond us as a member of the party I went to Mr Beig's house because I was told that he had gone to Mr Bhashyam's house which was unusual and when questioned by me, he admitted that he had gone to Mr Bhashyam's house with Mr Ghouse Mohiyuddin I did not ask him what all transpired at Mr Bhashyam's house

Rex-examination :- Nil

I ascertained by personal search

The impression created in my mind as a result of the talk was ~~that is~~ that in case ~~they~~ we did not support him, his vote might go to the Congress candidate, but I did not put to him any ~~direction~~ question to get the information

A J Wolley

Examination of Mr V K. Govindarajulu, by Mr L S Raju:

Duly sworn : "I am an Ex President of the City Municipal Council, Bangalore I am aware of the fact that the last election for the office of the President and Vice President took place on the 20th December 1944 On the previous day at about 6-30 or 7 P M I went to Mr Ghouse Mohiyuddin's place I had a talk with him re the Municipal Election I had not asked him that he should record his vote in favour of Mr L S Raju I asked him if it was possible to see that the candidates would return uncontested That was in relation to both the Congress and the Independent candidates He said that everything would be decided with Mr M A Beig Then, he took me to Mr Beig's shop in my car and picked him up and went to Mr Beig's house Then, we had a conversation for about 3 hours Personally I interested myself in Mr Shivashankar for Presidentship and Mr Jayamuthuraju for the Vice Presidentship Mr Beig said that Mr Shivashankar was far junior to him in age and that he should be preferred to Mr Shiva Shankar Mr Beig said that he preferred Mr Raju for Mr Shivashankar He said that he must be given a chance to begin with being an eldest member and that Mr Shivashankar could wait being younger in age and finally he said that in case he was not given a chance, he would act as providence would direct him at the time of voting

Cross-Examination : N i l

[illegible]

[illegible]

[illegible] 3 12 44 [illegible]

[illegible]

but [illegible] 4 [illegible]

[illegible] was about 4-30/5.00 [illegible]

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had visi[illegible] [illegible]

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that [illegible]

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[illegible]

on the evening of 14/12/44 and

[illegible] to [illegible] called [illegible]

[illegible] Bot[illegible] [illegible] and

myself requested [illegible] if he

would [illegible] vote in my favour. He excused him-

self by saying that as a member of a Congress party

his vote would go to the Congress candidate. I

asked him the question whether the strength of the Congress

party being only 13 [illegible] completely [illegible] there

was chance for the Congress party to succeed. He de-

finitely told me that the votes of [illegible] and Gandhi

have been will be cast on the side of Congress and that the

[illegible] with a [illegible] with the knowledge and

approval of the Congress party that in the next election

the Congress party would support [illegible] Congress candidate.

I met [illegible] day in his house on 15-12-44 as

previously arranged and had a talk for a half hour.

He said that after both [illegible] Bengal and Ghosh [illegible] in a vote

in favour of the resolution of defiance [illegible] as expressed

by the Congress members at the [illegible] meeting

to approach him the next day and he [illegible] requested

[illegible] to let him know that he would arrange for an interview

with Mr. Bhagwan. I think the fact of such a

[illegible] would [illegible] negative [illegible] the Congress

in favour of the defiance resolution on 4-12-44. [illegible]

[illegible] to approach him and suggest the interview

with [illegible] in connection with the elections. He

said that [illegible] invited him [illegible]

[illegible] 7th December and [illegible] such

consequence [illegible] tentatively agreed that

on condition that Mr. [illegible] should [illegible] would

vote in favour of the Congress [illegible] the

President and Vice President of the Congress should put

up its candidate next year [illegible] support [illegible]

candidate for presidentship next year. I told him that this

[illegible] of [illegible] was [illegible] that he thought he could

get [illegible] from the Muslim [illegible]

[illegible] of [illegible]

[illegible]

[illegible] asked [illegible] to go

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of [illegible] only [illegible]

[illegible]

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[

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[illegible] house [illegible]

tol[illegible] advice had [illegible]

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had met [illegible] in his house B[illegible]

[illegible] to [illegible] [illegible] hi[illegible]

[illegible] advi[illegible] th[illegible] [illegible] of [illegible] [illegible]

[illegible] could not help [illegible] [illegible] [illegible] fo

[illegible] just

b[illegible] to vote

[illegible] [illegible] [illegible] [

24-1-45

Parties present

Messrs G R Doraswami and Sreenivasiyengar filed Vakalath for Petitioners

Board resumed sitting at 3 P M to-day

The transcription of the evidence recorded on 23-1-45 was compared

The Ballot box along with the Key was received from the Municipal Commissioner, ~~xxxxxxxxxxxxxxxxxx~~

Mr Nittor Sreenivasa Rao stated that after the corss-examinatinn of Mr Raju to-day he proposed to examine Messrs Shamaraja Iyengar, Azizulla Beig and Bhashyam (Congress worker) and close the case and that Mr Bhashyam will not be available till Monday He will examne him before the arguments are addressed and close the case on Monday as originally arranged and that to-day's proceedings might terminate with the cross-examination of Mr Raju Letters of request might also be issued from this Office for the above three persons for their appearance to give evidence

Mr Nittoor Sreenivasa Rao filed the written statement of Mr B Shankarappa, a copy of which ~~being~~ was made avialable to Mr JayamuthRaju also Mr Raju filed an issue of 'Tainadu' of 21st October 44 - marking an extract in the 3rd coloumn of second page, ~~and~~ in which it is stated that Mr Bhashyam had been appointed by the Congress to give suggestions to the Municipal Congress party and it is marked as Ext A

CROSS-EXAMINATION OF MR RAJU by Mr Nittor Sreenivasa Rao

I first came to know definitely of the alleged understanding between Mr Beig and Mr Bhasnyam on 14-12-44 from Mr Azizulla Beig Prior to that I had

had heard of it from Mr Naganna On 10-12-44 I had heard that there were rumours that Messrs Ghouse Mohedeen and Mir Azizulla Beig had visited Mr Bashyam's place in connection with the coming Municipal Presidential elections Naganna came to me on 10-12-44 to my house and he told me that he had spent nearly six hours with Mr Azizulla Beig He wants to be unanimously elected from the independent members as the only person to the Presidentship, otherwise he said that his vote will go to the congress along with that of Mr Ghouse Mohedeen Mr Naganna also further said that he put a definite question whether he went to Mr Bhashyam's house with Mr Ghouse Moheedeen, to which Mr Beig said 'Yes' He further said that he is going again to him in the night and meet us all at Mr Veerappa's house On 14-12-44 Mr Beig mentioned to me on the phone definitely that he had gone with Mr Ghouse Mohedeen to Mr Bhashyam's house, that unless all the independent members unanimously elect him or put him as the only candidate and support him, his vote will not be for the Independant candidate and that he and Mr Ghouse Moheedeen would vote for the congress candidates and he wanted me to use my influence with the independent members to avert this and elect him unanimously He also said, I should like to have a heart to heart talk I did not convey this information to the leader of ~~the~~ our party in ~~xxx~~ writing for consideration Myself and Mr Ramiah were not being regarded as members of the Independant party, though they used to call us at some meetings and we used to attend them I consider myself as an absolute~~xx~~ independant man always, and not a member of the Independent party I was elected to the Municipal

council

Council independently and not as a member of any party and in opposition to the congress candidate from the VIII Division This was in December 1943 In the previous Municipal Council in 1940 December, I had been elected on the Congess ticket as Municipal councillor from the III Division Because of my differences with the Congress authority, I stood independently There were other reasons also I read in the Papers that it pleased the Congress President to expel me from the Mysore State Congress and had further added that I should not be made a member of the Congress for a period of 5 years In the previous council I asked the Congress Municipal Council party to nominate me as a candidate for the presidentship Last year also in 1944-I wanted to stand as a candidate for the Municipal President's place, but did not stand in deference to Mr C N Narasinga-Rao's wishes All the independant members met at a certain place and I was asked to withdraw in favour of Mr Narasinga Rao and I yielded Votes were taken In the present Legislative council, 1940 I had applied to the Congress to choose me as one of the nominees to the Legislative council The congress choice fell on Mr Hanumanthiah I told Mr Bhashyam then who was the President of the Congress-that I would stand on an independent ticket I had, by that time, already sent my nomination Mr Bhashyam said later on if I agreed not to contest the presidentship for the Municipal Council for 1940, he would put me on the Congress ticket as a candidate for the K.C. I am now standing as an independant candidate as the ban continues Mr Ghouse Moheedeen is not

helping

helping me in my elections I have not spared my car for his elections I did not bring the fact of Mr M A Beig going and talking with Mr Ghouse Moheeden at the time of the election to the Notice of the President At the time I presented the present petition to Government I believed that Mr Ghouse Moheeden had voted for Mr Gopalaswamy-Iyengar although he told me that he had voted for me I did not believe him and I was not sure I believed then and believe even now that Mr Azizulla Beig has voted for Mr Gopalaswamiyenagr I have not met or talked to Mr Beig after the elections Mr Beig did not tell me that he had voted for Mr Gopalaswamiyenagr I have no personal knowledge of the contents of the ballot box I am a signatory to the petition of Mr Jayamuthuraju also As I did not get a copy of the petition of Jayamuthraju I did not give it to Mr Ghouse Moheeden I searched for it but could not find it The note which I used yesterday for refereshing my memory, a copy of which I have given to the Board and Mr Nittor Sreenivasa Rao, was the one that I prepared for purposes of giving evidence in this case I must have filed up till now four ~~nomination papers~~ election petitions commencing from the time of Mr Mohamad Abbas Khan Three of them were during the last three years, from 1943 to 45 In the allegation referred to in Sub para 1 of para (2) of my petition, I was also one of the candidates for the election, the validity of which was contested in Mis 94 of 43-44 on the file of the District Judge, Bangalore Myself and Mr C Krishna Rao worked together in that election, and also Mr Subbannachar for canvassing votes for that election The said petition has been withdrawn The consequential order is that the petition is dismissed. The Respondents were two of the three congress can-

candidates

Mr RAJU RE-EXAMINED HIMSELF

In the end of the year 1943 I felt that the leaders of the Congress being in jail and the Congress committees being under a legal ban which have not been up-to-date withdrawn, congress ~~would~~ should not run Parlimentory elections I Myself had been to the Jail and advised against congress running elections in its name I further was of opinion that the Congress leaders in Jail could not in confirmity with the principles laid down by Mahathma Ghandhi carry on ~~xxxxxxxxxxx~~ surreptitious correspondence with the people outside in order to run this election That is the reason why I stood on the independent ticket after explaining ~~xxxx~~ this to the congress - members

EXAMINATION OF MR JAYAMUTHRAJU

Duly sworn

I have presented ~~xxx~~ an objection petition to the Goverrment contesting the validity of the election of the Vice President That petition has been referred to this board for enquiry What is stated there in is all true In addition to that, I wish to say one or two things

On 11-12-44, the date of filing nomination application, I was going on the Avenue Road with a view to attend the Legislative Council ~~election~~ Session.

It

It was about 10-15 a m Mr M A Beig's car was standing in front of his shop in the Avenue Road Seeing me Mr Beig called me and asked me whether I was filing nomination paper on behalf of the independent party for the Vice Presidentship of the Municipal Council Bangalore I told him that I would stand if he supported me ~~him~~ He told me that it was not within his power to support me ~~him~~ as he had promised to support some one else I asked him whether he committed himself the promise in respect of the Office of both the president and Vice President He told me that he had promised to support Congress party and that if I waited a little while he would phone up and let me know definitely ~~reply~~ I sat there for five minutes I asked him with whom he was talking He said he was talking to Mr Bhashyam He phoned to Mr Bhashyam and conversation took place on Phone Then Mr Beig told me that unless I got recommended either by Mr Bhashyam or congress parlimentary Board he could not cast his vote for him I told him that it was not proper to give a reply like that to me ~~him~~ ~~Because~~ He questioned why, and I replied saying that he was nominated by the Government as a member of the minority community to safeguard the interest of the minorities and that such being the case I who belong to a minority community and was the only candidate who was standing from my community I was entitled to his support Then he asked me to go and personally request congress people I told him that as misunderstanding arose between myself and the Congress ~~Mr. Bhashyam~~

~~Mr. Bhashyam~~ on the last election it was not possilbe for me to go and talk to Mr Bhashyam myself He said he would recommend my case to him Then he told Mr Bhashyam on Phone that he would send me to him and to go and talk to him Then he told me to go and see Mr Bhashyam and that he had promised to receive me As it was time for Legislative Council Session I told him I could not go now and I will consider over the matter and go there later

On 19th December 1944 I had gone to Mr Beig at about 2-30 or 3 P M I talked to him for about half an hour when Mr Ghouse Moheeden came there Mr Ghouse Moheeden told him that I had called on him and talked to him about supporting the candidates of the Independent Party for the Office of the President and Vice President and that he had sent me to Mr Beig Then Mr Beig told me that the result was not known to him Then I questioned him what he meant by it Then he said as Mr Ghouse Moheedeen followed him in siding the congress in the deferring motion, he would similarly follow him in the present electin also Then I asked him if he was joining the congress He replied that though he did not join the congress he had faith in the congress promise Then I told him that on the last election when I was nominated as a Vice President I being a member of the congress, they did not vote for me and how he had faith that he would be supported when he was not even a member of the congress Then I asked him if Independant party had not promised to nominate him

next

next year Then he replied that Mr Nagamma had simply stated that ~~xx~~ next year they will support a muslim and did not promise ~~to~~ Mr Beig in his personal capacity Then I told him that I was ~~xxx~~ a nominated member and that he was also a nominated member and he will share the same fate which I did in the last election Then Mr Beig told me ~~that~~ ~~xxxxxxxxxxxx~~ as follows " నీవు ఇరవై నాలుగు వేలు నిలుపుకొనుటకు అవకాశం లేదు అన్నారు నా వలె బాగా అంటారా నేనలాగే నడిచి నీవు కూడా ఓడిపోతావు "

I told him that it was not an easy matter Then I requested him again that whatever he did for the office of the President, he may surely support me for the Vice Presidentship He said it was not possible Then I left him saying "I leave it to your choice"

CROSS EXAMINATION BY MR NITTOR SRINIVASA RAO

The petition that I have presented to Govt is drafted by me and later on got revised by Mr Hanumanthia and Ramiah I drafted in English I might have seen Mr Raju's petition ~~xxxx~~ but I do not remember it I had read that petition when I signed it and I remembered the context when I wrote this I did not keep a copy of the Petition I only remembered the ideas contained therein I did not see Mr Bhashyam as I ~~xxx~~ felt a bit delicate about it On the 19th Mr Beig did not ask me if I had seen Mr Bhashyam I learnt of the understanding between Mr Bhashyam and Mr Beig through Mr Ghouse Moheeden, Mr Beig and some congress workers I cannot give the names of ~~all~~ the congress ~~members~~ workers though I can identify them Mr Ghouse Moheeden told me of the pact on the 19th morning He told me this at his own office Mr Beig talked to

me in his house Ghouse Moheeden was present at the time On the 11th, myself and Mr Beig were alone and there was none else near the Phone As I was a congress member I do not know the constitution of the independent party I understand that all non-congressmen are independent I am not aware of the constitution of the Municipal non-congress party, though we meet often as friends Naganna styles himself as leader of the independent party and sometimes says that it is a title given by the Congress party I am not aware of anything in writing nominating him as leader of the independent party As a Harijan candidate I appealed to all of them to support ~~him~~ me I am not aware of the decision of the independent party In the meeting no decision was arrived at But individually every one supported me for the Office of the Vice President As I had promised to Mr Beig that whatever was talked of about the Office of the President will not be disclosed to others, I did not convey this information to anyone else This is the first time I am mentioning ~~xxxx~~ of the talk about the office of the President, but about Vice Presidentship I have mentioned in several places Mr Beig was telling me ~~xxxx~~ till last that somehow or other ~~xxxx~~ that he would twist Mr Bhashyam into supporting my candidature for the Office of the vice president as I was the only Harijan Candidate

Mr D Venkataravanappa does not want to get himself examined Nor is the other party particular about it or others cross examine him

After some general discussion the proceedings of the day terminated

Wbelief

25-1-1945

Transcription of yesterd's evidence was compared and then proceedings of the day were started with the examination of Mr Mir Azizulla Beig, who appeared in response to the letter of request

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EXAMINED BY MR NITTOOR SREENIVASA RAO, Mir Azizulla Beig deposed as follows

Mr Nittor Sreenivasa Rao requested Mr Beig to go through the application of Mr Raju objecting to the election of the president to the City Municipality, which he did He was also asked to go through the application of Mr Jayamuthu Raju which also he did Mr Nittor Sreenivasa Rao drew the attention of the witness to sub para 4 of para 2 of the petition against the election of the president

He writes said that the ~~This~~ statement embodied therein is not true

"There was absolutely no understanding between myself and Mr Ghouse Moheeden on the one hand and between us two and Mr Bhashyam on the other I see Sub para 6 under para 2 There was a desire on my part to become the President, but there was no passion I take objection to that word No inducement was offered to me as stated in sub para 6, nor had I given any pledge to support Mr M A Gopalaswami Iyengar I was nominated as a candidate for the Municipal Presidentship by Mr Ghouse Mohedeen and another Municipal councillor I withdrew my candidature just prior to the election This withdrawing was not due to any inducement or consequence of any pledge in the matter Referring to sub para 8

of

of the objection petition, I state that I did not go near the seat of Mr Ghouse Moheeden and wispered anything about the election I did not go [I deny similar allegations contained in the petition there at all] (Mr Nittoor Sreenivasa Rao then requested Mr Azzizulla Beig to go through the written statement filed by Mr Ghouse Mohedeen and being asked to state what he has got to say about the matters of fact relating to him mentioned in that statement, Mr Azizualla Beig states as follows) contesting the validity of election of the Vice Presiden

The statement that Mr Ghouse Moheeden met me immediately after the issue of the Calendar in connection with the election of the President and Vice President and that I evinced my keen desire to be a President of the Council is false The other statement that Mr Shamaraja Iyengar had visited me and I asked him to come with me to Mr Bhasyam's house in accordance with the suggestion of Mr Shamaraj Iyengar are not true On the other hand the fact is that Mr Ghouse Moheeden told me that he had a talk with Mr Bhasyam last year just before he was elected as Vice President in which Mr Ghouse Moheeden had asked Mr Bhasyam to support him in becoming the Vice President It was Mr Ghouse Moheedeen who took the initiative and told me that because he had talked with Mr Bhashyam last year and he showed his sympathy then it is likely that the same sympathy might be shown this time also Mr Ghouse Moheeden told me that he would ring up Mr Bhasnyam and fix up an engagement with him This was about 4 days - prior to the filing of the nomination paper which was the 11th of December last I think it may be 8th December 44 Mr Ghouse Moheeden informed me

that

that he had fixed up an engagement with Mr Bhasyam at 3 P M. on that day At about 2-30 he came to my house and we two went to Mr Bhashyam's house in my car We had a talk with Mr Bhashyam when we went there on general subjects Afterwards Mr Ghouse Moheeden himself took up the topic of the Municipal Presidential election and ~~xxxx~~ asked him whether he could support my (Mr Beig's) candidature Mr Bhashyam said that the congress had already decided to put up their candidates Hence no support can be given to my candidatures, and in his turn Mr Bhashyam requested both of us whether we could lend our support to congress candidates whom-soever they may put up Then ~~xx~~ I said we cannot give any promise that way We will keep our minds open Casually Mr Ghouse Moheedeen asked Mr Bhasyam since you plead your inability this year on - account of your having put up your candidates , would it be possible to support Mr Beig's candidature, if he were to stand as a candidate next year, for which Mr Bhashyam said, for next year which sane man can give any promise and I was also of the same opinion that I would not be a sane man if I were to accept such a promise for next year There, the discussion ended

The statement that I agreed to Mr Bhashyam's promise and that I told him that Mr Ghouse - Moheeden's vote ~~xx~~ was in my pocket is all false The other statement that both of us again went to Mr Bhashayam after the 11th December is also false The statement that by this time the understanding had been further strengthened etc , is all false About the statement that Mr L S Raju said that he would withdraw and asked

me to induce Mr Sivashankar also to withdraw, I have to state that the facts are as follows 'The meeting went on in Mr Veerappa's house and after a lengthy discussion we came to the conclusion that the three candidates that is myself, Mr Raju and Mr Sivashankar should go out for some time and have consultations amongst ourselves and if possible arrive at a decision Accordingly myself and Mr Raju went to the adjoining room - first Mr Raju then told me I am agreeable to withdraw provided Mr Sivashankar is going to withdraw Later on, Mr Sivashankar also came there and he was not willing to withdraw There the matter ended and I left the place. All the statements that are contrary are not correct Regarding the statement that Mr Govindarajulu advised me against the pact etc , mentioned in the last para of page 2, (the) states as follows

'On the night of the 19th at about 8 P M while I was seated at my place in Mirza Hall, Mr Ghouse Moheedeen came to me and informed me that Mr Govindarajulu had come and was sitting in the car and that Mr Govindarajulu did not want to come to the shop Mr Ghouse Mohedeen requested me that I should go with him and have a talk with Mr Govindarajalu I accompanied Mr Ghouse Moheeden just about 10 yards from my shop to the Car in which Mr Govindarajulu was sitting and he said that he wanted to have a talk about the election that was coming off next day and we thought that we should go to some secluded place and have a talk First we tried to go to Lalbagh But on the way to Lalbagh we thought that my house was nearer and we went to my house Mr Govidnarajulu was canvassing for Mr Shivashankar and he requested me to support the candidature of Mr Sivashankar

Mr Sivashankar The statement that Mr Govindarajulu asked me to vote for Mr L S Raju is false Repeatedly Mr. Govindarajulu was asking me to vote for Mr Sivashankar I told Mr Govindarajulu that Mr Sivashankar was a junior member and that I was the senior most among the three candidates and should have the first chance After some discussion I told Mr Govindarajulu that I could not vote for Mr Sivashankar, because I am pressing my claim that everybody should vote in my favour Mr Govindarajulu said if that is not possible what you are going to do I told him I shall keep my mind open, just at the time of voting I shall seek instructions from God There the matter ended All other statements to the contrary are absolutely false The statement in the last sentence of this para that I told him of my understnading with Mr Bhashyam to the effect of the congress supporting me for the Presidentship and my agreement to vote for the congress candidate next year is absolutely false The next statement that I told Mr Govindarjalu that Mr Ghouse Moheeden's vote was in my pocket and would not allow him to vote independently is not correct Next morning, ie, 20th Mr L S Raju came to my house, but Mr Ghouse Moheeden was not there as stated in the statement Mr L S. Raju informed me that they had some discussions in the night and at about 4 o'clock in the night they arrived at a decision that Mr L S Raju's candidature should be supported I told him since on the 18th night the meeting ended abruptly I thought the matter ended there and since I was not invited for the last night's meeting I had nothing to do with it and so far as your request to vote for you is concerned, I cannot give any

any promise and I shall keep my mind open and I repeated the same words that I shall invoke instructions from God The statement contained in the last but one para that Mr. Raju advised me before the election that this kind of bargaining was corrupt and bad and Mr Ghouse Moheeden's statement that he consulted me and asked me to vote for Mr Raju is absolutely false The other statement that I requested him in a most humiliating manner is absolutely ~~false~~ incorrect and I take objection to the word 'humiliating' I did not offer to touch his feet to save my honour as per the alleged understanding with the congress I treat that statement with contempt

One day Mr Naganna came to my house and talked to me about the election Beingasked to state what transpired then Mr Beig states as follows

'Mr Naganna asked me to vote for Mr Sivashankar I told him that according to the last year's promise it is but fair on your part that you and other members of the party should keep up to your word and must support my candidature this time Upon this Mr Naganna pleaded certain inabilities and finally I told him that if my request is going to be acceded to by you, the whole of Bangalore would appreciate it, because the rights of muslims that have been ignored for the last 18 years have been restored this time Mr Naganna promised that he would try his best with the other members of the party and as an alternative he told me that if it is not possible ~~that~~ for the party to decides in your favour what are you going to do I said in that case I shall keep my mind open and I shall do as what God dictates me at the time of voting."
I did not tell him that I would vote for the congress

candidate

and I absolutely deny that allegation Apart from this, there was no talk whatsoever at the meeting in Mr Veerappa's house to which I have already referred to, there was no other talk with Mr Naganna in this matter On the day on which the City Improvement Committee members went for the selection of the site for the Students' Home, I did not phone to Mr Raju and complained to him about the alleged betrayal of Mr C N Narasinga Rao I never had any talk either on phone or in person in this connection except when he came to my house on the 20th morning so, the alleged phone call by me to Mr Raju and the conversation said to have followed thereon is untrue The statement of Mr Raju that he met me on the 15th night and that there was conversation between us is not true Mr A K Jayamuthuraju did not meet me on the 19th On the 18th, Mr Jayamuthuraju was also in Mr Veerappa's house There was no particular conversation between us two then, ie, on the 18th Mr. Jayamuthuraju has never met me in this connection except on the 18th at the meeting I have stood to the Legislative Council election from Muslim Constituency as an Independent candidate This seat is being contested by a Muslim League candidate also. The witness corrected himself by saying that this seat is being contested by a candidate put up by the Muslim League Parliamentary Board) I have exercised my vote freely and of my own will according to the dictation of my conscience

CROSS EXAMINED BY MR L S RAJU, MR BEIG STATES AS FOLLOWS -

" I withdrew my candidature just before the election on the 20th, I withdrew first followed by Mr Shivashankar and finally Mr Raju and

of the Municipal Council to approve of the site selected by the C I C in connection with the student's home and also to approve the estimates for constructing the building etc There was a deferring motion by a member But I do not know his name or his party I cannot say if it was Mr Hanumanthappa who moved the deferring motion I do not exactly remember who all supported it Myself and Mr Ghouse Moheeden also supported it for our own reasons I do not know if any other independent member except ourselves supported it In C I C Committee I was the only Muslim member and I ~~approved~~ supported it there also The congress people did not oppose it but deferred it I attended the meeting held a few days prior for selecting Market Show Committee members and I left the place before the election That day, I remember to have attended only for a few minutes and then left We stayed ~~there for a few minutes~~ with Mr Bhashyam for a few minutes only and we had Tea there as our Indian custom demanded it Mr Bhashyam did not invite me for Tea He did not invite me by phone After the callendar for the election of the President and vice President was published Mr Ghouse Moheeden himself reminded me of the last years promise at the time of the election Mr Ghouse Moheedeen reminded this to me somewhere between 2nd and 8th I cannot say if ~~it~~ you would be right in saying that the meeting was on the 4th of December last Mr Ghouse Moheeden is a friend of mine and he was a good friend of mine up till the moment the Muslim League issued him a ticket for standing as a League Candidate for the Assembly Till then, we were friends and we were in good terms I would say that this was so till the end of December He is the editor of Al-Kalam I cannot say if he is a respectable person How can I say that Mr D Venkataravanappa is

is a respectable person? Mr Ghouse Moheeden and Mr D Venkataravanappa were the two persons who nominated me for the election My impression is that every member of the Municipal Council is a respectable person and therefore I say that they are respectable persons I remember to have received a notice that there was a special meeting of the Muncipal Council to elect a member to this Board That day I was not in station Mr Naganna stayed with me for two hours or so in the noon After he left he did not come to me again Mr Ghouse Moheeden was not there when he came The statement that he came again in the night when Mr Ghouse Moheeden and myself were there is not correct In the night Mr Naganna rang up to me, and said that they did not arrive at a decision I do not know from what place I did not ring up The call was at 11-30 in the night I did not know from where he was phoning to me I never felt sorry at the decision I was not very keen My attitude was, if it were to come, let it come Though I was not very keen I was still pressing it as a matter of right I swear that at no time Mr Raju had a phone talk with me in this connection On the 15th night Mr Raju did not meet me with previous arrangement I am absolutely positive about it I am a member of the Chamber of Commerce, I am told that two members are contesting for the Legislative Council from Chamber of Commerce and I think they are Messrs Naganna and Venkaji Rao I am one of the voters Mr O S N Sherif is contesting the Muslim seat on behalf of the Parlimentary Board of the Muslim League I also applied to Muslim League for being chosen. The League did not choose me I cannot say if there was a solemn declaration I might have signed the declaration ~~to this effect~~ copy of which was not produced

Mr Raju files an Urdu ~~script~~ Declaration which is marked as Ext B

and

and an English rendering thereof is also filed which is marked as Ext B 1) (Question about this Mr Beig states as follows) that the decision arrived at by the socalled Parlimentary Board was unjust, one-sided, unreasonable etc There was no suggestion at the meeting in Mr Veerappa's house that there might be lots and I did not decline Mr Govindarajalu spent about half an hour in my house on the 19th On the 11th when my name was mentioned to be nominated I wanted to contest I cannot say whether it was serious or not I do not know what seriousness means

Mr Raju's sudden emergence and intimation to me that at 4 o'clock in Night Mr Raju had been nominated without intimation to me made me to withdraw from the contest from the Presidentship But for this I would not have withdrawn, but taken the consequences It was mostly Mr Raju's coming to my house and informing me that he was nominated without intimation, that made me to withdraw I cannot say if my withdrawl was with a view to support Mr Raju I decline to disclose to whom I have voted till the ballot box is opened Mr Ghouse Moheeden might have met me fairly often after the 20th We had conversations Myself and Mr Raju asked Mr Sivashankar to withdraw and both of us appealed to him very earnestly to withdraw Mr Raju did not withdraw in my favour Each one of us wanted a chance for himself All the three were putting force on getting the first chance and requesting each other to withdraw What Mr Raju said is that he was going to withdraw if Mr Sivashankar withdrew I am not upset by the Muslim League not nominating meeting as a candidate I do not know if any request was made to the congress party to nominate a Muslim as a candidate Prior to January 44 election myself, Mr Raju and other members had met at Mr Veerappa's house

for selecting a candidate for the Presidentship At that time Mr Ghouse Mohideen proposed my name for election I do not remember if Mr Raju was inclined to say that that in case I stood he will withdraw and work with the same zeal for me as he did in the case of Mr Abbas Khan I do not remember if the candidature was decided by ballot I do not remember if I took part in that ballot also

CROSS-EXAMINED BY MR JAYAMUTHRAJU, Mr Azizulla Beig states as follows

I was nominated because no Muslim was elected Government have not given any assurances that we are to safeguard the interests of the minorities I say I belong to Muslim community There is no separate electroate for Muslims They cannot come through election Mr Jayamuthu Raju was not consulting me or was taking my advice about questions or subjects in which minority communities were concerned I do not know if Mr Jayamuthu Raju was following me and supporting me in various points at the meetings I do not remember whether Mr Jayamuthu Raju opposed the poor house question I did not ask Mr Jayamuthu Raju to support the deferring motion I did not inform Mr Jayamuthu Raju that I opposed the site in the C I C meeting Mr Ghouse Moheeden and Mr Jayamuthuraju had not talked to me about the motion for the students home I have never talked to Mr Jayamuthuraju about the elections Mr Jayamuthu Raju never came to my house I never saw Mr Jayamuthu Raju in company with Mr Ghouse Moheeden. I did not advise Mr Jayamuthu Raju to meet Mr Bhasyam Mr Jayamuthu Raju did not meet me at my shop I do not know if independant party had majority I have never told Mr Jayamuthu Raju that the

congress

Congress would not put up a candidate for the Vice Presidentship if he would stand Mr Jayamuthu Raju did not sit to the left of my seat I did not go out of my seat to meet Mr Bhashyam on the day of the election nor did Mr Jayamuthuraju ever told me to talk to Mr Bhashyam I did not sit by the side of Mr Ghouse Moheeden, nor talked to him nor talked to Mr Jayamuthu Raju on the day of elections I cannot disclose if I have voted for him

RE-EXAMINATION BY MR NITTOOR SRENIVASA RAO

It was Mr Ghouse Moheeden that fixed up an engagement to take me to Mr Bhashyam Myself and Ghouse Moheeden have signed the nomination paper of Mr D Venkatarayanappa for the Office of the Vice Presidentship I withdrew my candidature on learning of Mr Raju's candidature, because I thought it was not worthwhile to contest, as there was a decision behind my back I thought I had no chance as the independent party decided in favour of Mr Raju There was only one meeting with Mr Bhashyam and Mr Shamarajiyengar was present then

After the examination of the witness was over and as it was 7-10 PM and no other witness was available and as it was not possible to get other witnesses before Monday it is not possible for the Board to sit at work till Monday the 29th, as Mr Bhashyam is not in station and whose evidence is stated to be most important by both the parties Therefore, the Board will meet by mutual agreement of all parties at 11 a m on Monday the 29th instant, by which time the proceedings of the Municipal council of the 4th Decr

29-1-45

The proceedings of the day commenced at 12 noon with the comparing of the transcription of the notes of the previous day with some corrections on some points Then the evidence of Mr Shamaraja Iyengar recorded

EXAMINED BY MR NITOOR SREENIVASA RAO, Mr Shamaraja Iyengar states as follows

Duly sworn

There was a meeting in Mr Bhashyam's house in connection with the Municipal Elections on the 8th of last month, that is December 1944 I was present there Myself and Mr Bhashyam were talking. Then Mr Ghouse Moheeden and Mr Mirza Azizulla Beig also came there Mr Ghouse Moheeden introduced Mr Beig to Mr Bhashyam and these three people were talking about general things for some time We had a cup of tea also Then Mr Ghouse Moheeden wanted Mr Bhashyam to support the candidature of Mr Azizulla Beig to the presidentship of the City Municipality for the year 1945 Mr Bhashayam said that there was absolutely no chance for any support, because the Congress would set up their own candidate Then Mr Ghouse Moheeden ~~wanted~~ went on pleading for a seat for a Muslim, because it was a long time after Mr. Abbas Khan, that a Muslim had a chance and at least for next year a chance might be given. But Mr Bhashayam said it was ~~very~~ too much for any sane man to make a promise of that kind and Mr Bhashayam said that since they would set up a candidate on behalf of the Congress they (Mr Ghouse Moheeden and Mr Beig) should support the congress candidate They

said

said that they would not hold out any promise of that kind and they would have an open mind and would vote according to the dictation of their conscience That was the end of that talk There was absolutely no other meeting between them and Mr Bhashyam in my presence

CROSS-EXAMINED BY MR L S RAJU, the witness states as follows

"I was not there by any previous appointment, but I had gone there to see Mr Bhashyam It was about 2-30 or 3 P M I am a friend of Mr Bhashyam I admire Mr Bhashayam as much as I do Mr Raju I know Mr Beig from a long time, that is for nearly 20 - years I am his Lawyer also I have met him often in December last I have met him prior to 8th and subsequently also I used to visit him in his house also in connection with his cases, as also his shop I must have visited Mr Beig at his house in December more than once Messrs Ghouse Moheeden and Azizulla Beig came to Mr Bhashyam's place after I went there They might have come half an hour after I went I had absolutely no idea as to how and why these two people happened to come to Mr Bhashayam, either by previous engagement or otherwise I made no enquiries about it I was quite unconcerned I have never seen Mr Beig in Mr Bhashayam's house any time before, as far as I know I think it was only the question of the President that was involved and Mr Bhashyam asked for the support for the presidenthip I do not think the name of the congress candidate for the Presidentship had been de-

finetely

definitely decided As I know, the names of Messrs Ethirajalu Naidu and M A Gopalaswamiyengar were being thought of What Mr Bhashyam asked was that they two should support any candidate that may be selected by them from out of the Congress Municipal council party I have visited the congress office afterwards also I do take some interest in the Congress Municipal elections I was present only once last year when the election contested between Mr Gopalaswam Iyengar Mr C N Narasinga Rao was held I do not personally know whether there was a special meeting of the Muncipal Council for selecting a Member for the Board of Enquiry I was not present at the meeting, though I happened to pass that way when I saw that some meeting was going on there and saw the Deputy Commissioner presiding I am in the Congress since 1937 I know of the Muncipal election in 1940 and of the R A and L C election in 1941 In connection with the R A and L C elections the congress had appointed an ad-hoc committee for the Bangalore City I was a member of that committe along with Messrs Ramalal Thivari and A V Sreenivasa Murthy Mr Raju was one of the candidates who had applied for the nomination to the L C Mr Hanumanthiah was another The Ad-Hoc Committee recommended Mr Hanumanthiah's name Later Mr Raju was adopted I do not know how Mr Raju was returned unopposed In 1943 I was in Jail and I contested for a seat in the Municipality from Chamarajpet, VIII Division I went to Jail on 10th August 1942 It was under detention

detention I lost the election by one vote, and I ~~have~~ filed an election petition against Mr P R Ramiah Mr Ethirajulu Naidu was my Advocate Mr Raju was the Advocate for Mr P R Ramiah defending him also through as against myself Mr Ethirajulu Naidu is now standing as a candidate for the L C from the City on the congress ticket After the decision of the District Court, the case was taken up in appeal to the High court, where my appeal was allowed and it is stated in the judgment that we got equal number of votes and a by-election has been ordered to take place on 4th March 1945 I am going to contest it again Mr Azizulla Beig did not tell me any time of his intention to stand as a candidate for the Office of the President of the City Municipality (The witness volunteers to say, that there has been a perfect understanding between himself and Mr Beig that one should not interfere with the other in their politics, that is, Muslim league and the Congress) I do not see any surprise if a Muslim league candidate were to vote for the congress candidate, because we wel-come such a thing as a sort of reproachment As far as I know the congress have not put up a Muslim candidate for the Muncipal Presidential elections, nor have I canvassed support for any muslim candidate In 1940 December I was one of the congress candidates to the Municipal Council, Bangalore City and I got in it I was also Vice President for one year I have stood for the R A from Bangalore City on Congress ticket When the congress party sets up a candidate we always expect that the

congress

congress members would support that candidate even as against the muslim candidate No question of reproachment arises here as reproachment is something entirely different If we want to help any non-congress candidate we would not set up a candidate We may take an attitude of neutrality or ask ~~them~~ our members to vote for him

Examined by Mr Mallappa, the witness states

I am not aware of any instances of the congress candidates having voted for non-cogress candidates I ~~am~~ can- not/be sure if any action has been taken against a person who has voted against the congress candidate I would be surprised if a congress ~~candidate~~ member would vote against the congress candidate

Examined by the Chairman, the witness states

The congress party had decided to put up a candidate irrespective of ~~xxxxxx~~ the consequences and were not very particular of getting assurance of ~~a few~~ other votes At ~~any~~ no time was there any idea in the mind of the Congress Municipal party not to put up a candidate, ~~xxxf~~ This is ~~xx~~ only so far as I know because I am not a member of the Congress Municipal party

It is conceded by both parties that the followi list of names constitute respectively the congress and noncongress parties in the City Municipal Countil

CONGRESS PARTY

Messrs 1 Hanumanthappa

2 Ethirajulu Naidu

3 N Keshava Iyengar

4 G Nanjappa

5 Viswamurthi

6 H B Shankarappa

7 P V Ramachandraguptah

8 K N Ramaswamy

9 B N Gupta

10 M A Gopalaswam Iyengar

11 T T Sharma

12 H C Suryanarayana Rao

13 Dwarkabai Kadambi

14 M K Narayana Iyengar

NON-CONGRESS PARTY

Messrs

1 M V Veerappa

2 Ramalal Thivari

3 Singam Rangasamappa

4 Chenniah

5 D Venkataravanappa

6 C N Narasinga Rao

7 P Sivashankar

8 L S Raju

9 K Naganna

10 Ghouse Moheeden

11 Mirza Azizulla Beig

12 A J Khaleel

13 Ambrose Ananda

14 Misrimal Parasmal

15 A K Jayamuthraju

29-1-1945

Mr Bhasnyam Iyengar/examined by Mr Nittoor Sreenivasa Rao states as follows

Duly Sworn

Mr Bhashyam Iyengar went through the petitions contesting the validity of the election both in respect of the President, ~~and~~ as well as the vice President of the City Municipality

In respect of the statement made in sub para 2 of para 2 of the Petitions ~~of~~ by Mr L S Raju in respect of the presidential election, Mr Bhashyam says, that there was no such entrustment There is no 'High Command' and the whole thing contained therein is false I did not consult the Municipal Congress party I did not decide to nominate either of the respondents or any one of them ~~Ex~~ It was not in accordance with any such alleged decision that the Respondents' nomination applications were filed Coming to sub para 3, the statement contained therein that with a view to obtain absolute majority for the Congress party through illegal practice, is thoroughly false, both in regard to the election of the President and Vice President The allegation in sub para 4 that with a view to execute the allegations contained in para 3 I managed to secure the votes of Messrs Azizulla Beig and Ghouse Mohee under a promise of supporting Mr Beig's candidature for Presidentship next year ~~is thorough~~ is thoroughly false The statement in sub para 6 is utterly false I do not know of Mr Beig's passion for Office No such inducement was offered Therefore, the question of acceptance does not arise I am not aware of any such thin

thing as mentioned in sub para 7 I was not aware of his withdrawal until the 20th Mr Gopalaswami Iyengar never approached me asking me to interest myself regarding his being nominated or elected as a President of the Municipal Council Mr Shankarappa never approached me asking me or authorising me to interest myself to secure support for his election as Vice President of the City Municipality Messrs Azizulla Beig and Ghouse Mohedeen have met me in December I do not remember the date It may be sometime during the first week of December or second week too Messrs Ghouse Moheeden and Azizulla Beig came to me for Tea one day at my request and we met that day and I remember Mr Shamaraj Iyengar also having been present that day Mr Ghouse Mohedeen had a talk to me on the phone about the previous day or some time earlier and desired that we should talk to each other I said that with greatest pleasure and asked them why should they not come along, for Tea one day Then he suggested that he would bring Mr Beig also and I said with greater pleasure Then they came to me at about 3 o'clock one day, and I remember as we were talking, Mr Shamaraj Iyengar also droped in Then we were all together and I think it was Mr Ghouse Moheeden, and after talking about each other's health and weather and ordinary cutesies, he broached the subject saying, the Municipal Elections are coming and would it be possible for the Congress party to put up some Mohamedan Gentelman (by Municipal elections I am referring to the President and Vice President's election) and then argued and suggested that for a long number of years no Mohamaden Gentleman has been put up as President and the Congress

being

being a nationalist party and above all communalis might think of some Mohamadan Gentleman as the President and afterwards he developed it into saying ~~that he~~ had been Vice President this year and "Don't you put up Mr Beig as President" I said that it was not in my hands I could not do anything and no doubt the Congress was a nationalist party and we would be very glad to render all help that we can do to a Muslim but this year I do not know whether it was not too late to think of it Then Mr Ghouse Mohedeen said what about next year that is 1946 Having regard to the fact that the nominations were almost coming of early and we were meeting in the first or second week, ~~xx~~ I thought it was too late to think of this for the year 1945 Then he suggested about the year 1946 I said it is too early to think of and we cannot talk of it now Finding that there was no use in tackling me he ~~xxxxxxxx~~ diverted the topic to conversation on other thinks and when we were talking on other things I - suggested to them, why don't you be good enough to help the Congress in regard to the election of President and vice President They said they would keep open their minds in the matter and there it ended That is all that transpired I do not remember of any other meeting between these two gentelmen and myslef It is as good as positvely saying that there was no such meeting I do not think that nomination had been made by the time these people met me I do not think that at the time these people met me the

Municipal

Municipal Congress party had decided of their nomination

CROSS-EXAMINED BY MR RAJU, the witness says as follows

I am Ex President of the Mysore state congress I am not taking considerable interest in the Municipal Congress party But I take some interest in that I take considerable interest in general activities of the state Congress I do read Tamnadu and daily News often times Mr Gopalaswami Iyengar never stood in his individual capacity for the office of the President He is a nominee of the Municipal Congress party, which nomination has been approved by the Parliamentary Board I am aware of the nominations, but I am not consulted in the matter I do not remember when the nomination was made - may be just some days prior to the nomination papers were filed The Municipal Congress party met I do not remember the date when they met They met in the Congress Office which is just opposite to my house I know the strength of the Municipal Congress Party in the council It is 15 I think Your number 14 is wrong It is 15 Mr A K Jayamuthuraju is still with the congress party He has not yet been removed If we exclude him it will be 14 A.K Jayamuthraju is a nominated member Last year Municipal Congress party put up A K Jayamuthuraju as a candidate for the election of the Vice president But I am not prepared to answer if the congress party did not support him I am not prepared to answer the question whether Municipal congress party did not support him I do not want to answer whether I am not aware or not I do

do not know why Mr A K Jayamuthraju was not elected as vice President I am not aware of any complaint (In the meanwhile there was a little discussion upon the relevant questions to be put in and it was decided that questions and answers be noted about matters on which they do not agree)

Question You did not know up to date the reasons why Mr A K Jayamuthraju was not elected as Vice President

Answer I do not know definitely the reasons

I am not aware of the election petition by Mr Jayamuthraju I do not know the date I am aware of the petition in connection with the - presidential election I am not aware of the allegation that Mr Jayamuthraju was induced to vote for the Congress candidate I am aware of the fact that the election of Mr Gopalaswami Iyengar was set aside But I am not aware whether it was done on the score of corrupt practice According to the descipline of the party Mr Gopalaswamiyengar could not have stood as a candidate for the election unless he was nominated by the party I am generally interested in the success of all congress candidates

Question When you said 'Why don't you be good enough to help the Congress, do you mean the congress candidate?

Answer I meant by that request that they should help not only the congress candidate but the congress in all its activities. The word 'help' that I mentioned at that time was not confined to that of the Municipal election but like asking them to become members, help the congress

organisation

organisation because it was a nationalist organisation and we should unite without distinction of - community or caste In fact this was the talk and I mentioned it to them Mr Ghouse Moheeden and myslef have been friends I cannot tell you how long It may be years and years He is the Editor of Al-Kalam Undoubtedly he is a respectable person I know Mr Beig too We were in the Municipal Council 6 years back I had spoken to him then, not afterwards So far as my knowledge goes he had never visited the Congress office nor me in my house I did not phone to Mr Beig and invited him for Tea, but told Mr Ghouse Moheeden as already said that I should be delighted to have Mr ~~Ghouse~~ Beig, because Ghouse Moheeden suggested his name Mr Shamraja Iyengar might have turned up about half an hour or a few minutes later after we started the conversation Mr Shamarajiyengar did not come there by previous appointment He generally drops in at my office now and then. - There was no nomination of the party by that time to the best of my knowledge I would not suggest, and it was not my business to suggest It did not strike me at that time that it would be a very good opportunity to recommend or request with a view to promote the Hindu Muslim Unity It was too late and further I could not do anything in the matter I was the president of the Mysore State Congress in the year 1940-41 I do not think all the elected seats were captured by the Congress in 1940 The statement is wrong My knowledge is that out of 24 elected seats one was captured by a non-congress gentelman from the Chamber of commerce, I believe, and the other 23 seats were given to the Congress

party

party members by the Public The total strength of the Council is 30 and the congress was in a decided majority I do not know whether any offer was made or accepted But I might have made a suggestion, but I do not remember it now I do not remember the date or the day It may be 11th I speak subject to correction I went to the Municipal Office that day I did not have the nomination paper with me, somebody else may have had it There were several nomination papers filed at the time I was there I was in the Commissioner's room I see Ext A and also the issue of Daily News of 21st October 44 marked Ext C I might or might not have read Exts A and C I see the issue of Daily News of 8th December, marked as Ext D I have also issued a reply to that Ext E published in the issue of December 9 of Daily News is my reply I have said in it that Mr Narasinga Rao has used against myself and the congress a language for which he should feel sorry I see Ext F 'Vartha' of 8th December 44, that is mine I have not so far read Vartha dated 27th January 1945, marked as Ext G I am now seeing it I have given a message to the students I see the last para marked in it, Ext G 1, that is correct I am aware that students have ~~to~~ got to prepare for their ensuing examinations, and many a poor parent have incurred much expenditure for the education of their children, My Sanad has been cancelled by the High Court Prior to the election in December I invited Khan Bahadur Mr Mohamad Abbas Khan for Tea I do not remember the date He had called on me as soon I was released and I had been asking him since then to come for Tea some day I do not remember if it was in December It is utterly false to say that I committed myself to a statement of Mxx supporting Mr Baig's candidature next year in case he and Mr Ghouse Moheeden suppoted the congress candidate this year.

The

The statement is thoroughly false I have always liked that a Congress candidate should succeed and similarly that Mr Gopalaswamiyengar should succeed Mr Beig and Ghouse Moheedn met me sometime in the afternoon between 3 and 4 O'clock Khan Bahadur Abbas Khan's coming to me was long before this, I suppose It was long before Mr Abbas Khan phoned to me in connection with some other topic Then I reminded him of my long-standing request to come for Tea and he said he would come the next day and we had Tea I had no special busine in the Municipal Office on the 11th. The witness adds that he went to Mr Mahadevan who was the acting Commissioner at that time I had to meet Mr Mahadevan in connection with the grant of a license and I think I went there for that purpose Mr Ghouse Moheeden was there No conversation took place between us we were just there The license was in connection with putting up of steps in front of my house in which I am living The license has been granted

Re Examination Nil

Examined by Court

So far as my relationship with the Municipal Congress party is concerned I was not entrusted with any part of activity in the matter of these elections or in other functions of the Municipal Congress party But I was asked to be a friend and guide to that party as such or individually if they come to me It meant apart from advising, I was not expected to interfere with their activities I might participate in meetings etc , if I was asked to I was not entrusted with the work of canvassing I asked no Gentelmen to vote for the

congress

Candidate and in connection with the election of the President The decision to nominate Mr Gopalaswami Iyengar was amongst the Municipal Congress party I was not present at the meeting to nominate Mr Gopalasw Iyengar to the Presidentship I could not for any reason ~~by approached~~ we classed under the category of an Agent of the Congress Municipal party as that term is understoo ~~by~~ in the Election Law In 1944 election, Mr Ghouse Mohideen came and approached me and told that he was standing as Vice President and asked the support of the Congress party I said , he may put it to the party and th t when the matter-s came up, we shall see It must be before the party met I do not know and I am not aware under what circumstances Mr Ghouse Mohideen became the Vice President and whether the par ~~had~~ gave direct or indirect ~~party~~ support to his success

next Mr Gopalaswami Iyengar was examined

EXAMINED BY MR NITTOOR SRINIVASA RAO, the witness states as follows -

I have filed the objection statement to the petition/and to the best knowledge, belief and information what is stated, in my statement is true

By Court .

Absolutely no authority was delegated to Mr Bhashyam or any other member of the Congress party to secure votes for me I was put up by the Congres Municipal party consisting of 14 members for the Presidentship The party felt that the non-congre members of the Municipal Council were not an organized party and some of the members among the non-congress Councillors were more or less sympathetic towards the Congress , and there was some likelihood that some of the other members casting their vote in favour of the Congress candidate Therefore, they thought it prop

proper and right to set up their own candidate

Cross-examined by Mr L S Raju, Mr M A Gopalaswami Iyengar states as follows -

"I did not know of my nomination till I read of it in the Tai Nadu on the evening of that day I came to know of this on the 11th at 7 P M in my house I was present at the party meeting On the 8th, the party meeting was held at about 7 P M Then, the party decided to set up their own candidates both for the President and Vice Presidentship Without mentioning the names, the party decided to adopt a particular procedure with regard to the selection of a candidate to either of the offices Each member was asked to give his opinion confidentially to Mr Bhashyam so that Mr Bhashyam might be able to communicate the decision of the party to the Parliamentary Board of the Congress The Parliamentary Board was decided to meet at the Congress Pre on the 10th at about noon or afternoon and the final decision rested with them The same procedure was adopted at the election of Mr W H Hanumanthappa as Mr Raju is also aware Mr Bhashyam was present at the Municipal Congress Parl meeting At the Party meeting itself, I said that I was unwilling to offer myself as a candidate Therefore, I did not communicate my intention at all Three names were thought of at the party meeting They were Messrs H C Suryanarayana Rao, Ethirajulu Naidu and myself I do not know if the other two candidates communicated their intentions or not On the 11th at about 2 P M at the Civil Courts, Mr Ethirajulu Naidu told me that even at 2 P M the Parliamentary Board had not yet announced its decisions as to the persons to be nominated to the offices of the President I did not go to the Municipal Office that day I might have spoken to members after I stood to support me As I was nominated, I wanted to succeed

The Parliamentary Board ~~xxxxxxx~~ members were not available there and therefore, the arrangement made was to communicate our views through Mr Bhashyam Mr Bhashyam was thought of as a messenger because he was always available I have seen Ex A but not Ex C I have no personal knowledge about it I do not remember to have seen any contradiction to it There was a previous arrangement to meeting on the 8th I ~~xxx~~ do not remember when I received the notice We met on the 8th and 9th also Therefore I am not in a position to say when exactly I received the notice of the party meeting In the Municipal elections of 1940, I was one of the candidates electe to the Municipal Council on the Congress ticket The strength of the Congress party then was 23 as against 30 There were Muslim Councillors apart from Congress men like Messrs Khaleel, Azizulla Beig, O S N Sheriff and Qazvi In none of these years, the party thoug of putting up a muslim candidate for the Presidentship So far as I know, no suggestion ~~xxxx~~ about this came either from the party or anyone else In the first year Mr W H Hanumanthappa and the next year Mr K Hanumanthiah were selected as candidates In 1942 the Municipal Council presented an address to His Highness the Maharaja I was not present at the address I was in station when the address was presented In the 3rd election in December 1942, there was a contest between Mr Raju and Mr Govindar I supported Mr Covindarajulu as he was a party candi In the year 1943, 15 were the Congress members includ Mr Ramlal Thivari and Mr Jayamuthuraju was also a member of the Congress party The strength of the

Congress party was 16 The Congress party put me up as a candidate It had a majority then Mr Jayamuthuraju was nominated for the office of the Vice President Mr Ghouse Mohideen was the rival candidate for the Vice Presidentship and Mr C N Narasinga Rao for the Presidentship In the first election, I got 14 as against 13 of my opponent I also took part in the Vice President's election The leader of my party having instructed me to remain neutral I did not record my vote to anyone Similarly, many of the Congress members remained neutral, with the result that Mr Ghouse Mohideen was elected and Mr Jayamuthuraju lost By that time, Mr Jayamuthuraju had already taken part in the Presidential elections I am now aware that he has voted for me There was a petition to Government contesting the validity of the election Even Mr Jayamuthuraju had made allegations against the Congress about the way in which he was treated I do not think he has made any allegation against the Municipal Council congress party He might have made some allegations against the Parliamentary Board I obeyed the the instructions of my leader I had an independent volition I had exercised it in agreeing with the opinion of the leader If I had not agreed, I would have disagreed with him and resigned As a measure of discipline of the party, we remained neutral This was only after the Presidential election Government did not approve of my election A re-election was ordered By the time re-election was ordered, Mr Thivari was expelled from the Congress By the time of re-election, one had been expelled and the other had complained against the Congress In the re-election, I was put up as a candidate by the party and the voting was equal I am not frequenting Mr P R Ramiah's office though I have gone there occasionally

I have also met Mr P B Srinivasan, Editor of the Tai Na
Mr Shamaraja Iyengar had put up an election petition again
Mr P R Ramiah and that was pending in the Court Ther
was a Market Show in Bangalore City on the 22nd November
I did not attend it personally, I do not g~~xxxxxxx~~ atter
any of these social functions I am rather indifferent
about these things I might have spoken to some non-
congressmen I cannot definitely say who they are
I am now standing to the R A from the University Consti
tuency Ex C does not give the correct position
I did not see any contradiction to it We used occasio
ly to seek the help and advice of Mr Bhashyam as he ~~xxx~~
~~xxxx~~ happened to be a local Congress leader, and a
man of influence and position in the Congress organizat

Examined by Mr A K Jayamuthuraju, Mr M A Gopalaswami Iyengar states as follows -

"There was no proposition that due to last year's situation, no candidate would be put up against Mr Jayamuthuraju There was no mention of Mr Jayamuthuraju in the recent party meeting

Re-examination ~~xxxxxxxxxxx~~ by Mr Nittoor Srinivasa Rao -

" Mr Raju was the leader of the Congress Party for two years 1940-42 and I was the Secretary "

Khan Bahadur Mr Mohamad Aobas Khan was invited by Phone by the Chairman to kindly come over here and help us with any information he could give in the ~~xxxx~~ This was done at the request of Mr Raju, to which the Respondents also had no objection

EXAMINED BY MR LS RAJU, the witness states as follow

Duly sworn

I am not personally aware of the recent Municipal elections of 1944 But I have heard of it Prior to this I had an occasion to meet Mr Bhashyam at his house He had invited me for Tea and in response to it I went to his house He had been asking me for mne and a half months previously I had replied that I had no time and would come there at my convenience I do not know the exact date But this was in the month of December On that day also I was invited and I accepted it I had Tea ~~xxx~~ ~~xxx~~ with him in his Office, that is in his house Several matters were discussed and in the course of discussion he mentioned to me that Mr Mirza Azzizulla Beig and Mr Ghouse Moheed had visited his house and he had entered into an agreement with them that if Messrs Ghouse Moheeden and Beig should vote at the election which was to be held in that month in favour of the Congress candidate for the Presidenship of the Municipal Council, he and his congress party would support Mr Beig's candidature for Presidentship next year, that is in the year 1946 That was the agreement But he qualified it that he had to obtain the permission of the members of his party, though personally he had committed himself to support his candidatures

Cross-examined by Mr Nittor Sreenivasa Rao, the witness states as follows

We were discussing about Hindu Muslim Unity a question of All India concern and in the course of discussion this topic cropped in We were the only two at that meeting ~~xxxxx~~ I think it was between 3 and 4 in the afternoon I had met Mr Bhashyam some months prior to it in his house, that was immediately after his release from Jail, when I went to seek him, that is after the recent detention

I was elected as President to the Municipal Council some

18 years previously on two occasions, that is in 1924 and 1927 Mr Raju was one of my supporters along with many others I do not hold any position in the Muslim League, but I am a member I am not one of the members of the Muslim League Parliamentary Board Muslim League had no hand in electing candidates and there was no occasion to consult me The Parliamentary Board was constituted by a meeting of the General Body of the Muslim League at which a thousand member attended That general meeting was organised by the Muslim League I could not be in the Parliamentary Board, as I was a candidate from the Kolar constituency My information was that Mr Beig was also one such candidate Mr Beig's name was not in the list of candidates who were chosen to contest the election I do not know for what constituency Mr Beig had applied I did not express any opinion about this agreement to Mr Bhashyam I did not inform of this conversation between myself and Mr Bhashyam to any one as it was a private conversation But some days afterwards some Gentleman questioned me whether I was going to be a witness in this case I said I know nothing I was given to understand that Mr Bhashyam had given this information to Mr Beig and Mr Beig had mentioned to some one that I amy likely be cited as a witness I was asked by a Gentleman when I went to see my friend Mr C M Garudachar, whether I was going to be a witness in this case. I said no Then I was informed how the information leaked out I gave all these details as this was a proper information to your question I do not think I mentioned this conversation to Mr Raju or to anybody else This is the first time I am mentioning about this conversation to any one It is Dharmaprakasha Mr L S Venkoji Rao who seems to have gone to asked for the vote of Mr Beig for the constituency of Chamber of Commerce I was in my car when Mr C M Garudachar accompan

The witness volunteers to say

by

by Mr L S Venkoji Rao came out As soon as he saw me he put the question to me whether I was going to give evidence in the case before the special Tribunal I said no This was after the appointment of this committee I do not remember the date He told me that he got this information from Mr Beig It appears that Mr Beig had told Mr Venkoji Rao that my evidence might be taken because Mr Bhashyam had mentioned to Mr Beig that he (Mr Bhashyam) had told him the substance of their mutual agreement I did not mention about my conversation to any member of the Muslim League, absouletely to none or to the Parliamentary board I do not meet the parliamentary Board I do not know where they hold their sittings After my conversation with Mr Bhashaym I remember to have met Mr Ghouse Moheeden on so many occasions I did not ask him about this I do not think I had any occasion to meet Mr Beig I understood from Mr Bhashyam's conversation that the agreement was binding on Mr Bhashyam on the one side and Messrs Ghouse Moheeden and Beig on the other hand in their respective individual capacity and had been accepted by them This was long before the election It was certainly earlier than 20th But I cannot remember if it was before or after the date of nomination

By Court

I should think that Mr Bhashyam mentioned this to me as a measure of sympathy towards the muslim community It may be due to that When Mr Venkoji Rao put that question to me I neither denied that nor confirmed his statement It did not develop further

After the examination of Mr Abbas Khan, Mr Sreenivasa rao desired (with permission) to put a few questions to Mr Raju about the additional evidence, and Mr Raju states as follows

A few days ago I canvassed votes for Mrx my L C electi for Mr Venkoji Rao and he mentioned about this fact to me (the witness volunteers) and/ Afterwards I wanted to verify mys after the examination of Mr Bhashyam whether it was a fac that Mr Abbas Khan had met him ~~knew about it, because~~ I myself was no sure of it. All Mr Bhashyam confirmed it This was only 3 or 4 days ago This was af the examination of myself and after the examination of Mr Beig

There was none else when I met Mr Venkaji Rao I did not apply to the Board to examine Mr Abbas Khan - immediately because I wanted to verify with reference to the examination of Mr Bhahsyam whether the meeting was true or otherwise I did not verify it directly from Mr Abbas Khan

Re-Examination

I was surprised at the way in which Mr Bhashyam gave evidence

Examined by Mr Nittoor Sreenivasa Rao, Mr Shankarappa states as follows

I am aware of the petition contesting the validity of the election to the Office of the Vice President I have filed an objection statement to it and I state that to the best of my knowledge, information and belief what is stated therein is true

CROSS-EXAMINED BY MR RAJU

I was present when Mr Gopalaswamy Iyengar was examined I was present at the Municipal Congress party meeting

meeting on the 8th December at 7 P M at the Congress Office Mr Bhashayam was present He is not a party member It was decided that each one of us should individually inform Mr Bhashyam orally and not in writing our opinion about the candidates to be put up for the President and Vice President. Mr Bhashaym did not decline to act like this before us Mr Bhashyam was sitting in a room and each one of us went one after the other and informed him He did not make a note of what we said I came to know of the final decision only on the evening of 11th What happend after we gave our opinion to Mr Bhashyam is not ~~xxx~~ known to me

EXAMINED BY MR JAYAMUTHRAJU

I informed Mr Bhashyam that I wish to stand as a candidate for the office of the Vice President As a measure of convenience to contact the parliamentary board all the members were using Mr Bhashyam as a medium in communicating their wishes to the Parliamentary Board This was done also with a view to avoid anybody feeling delicacy in expressing his opinion freely before others I was not aware that the Parliamentary board is bound to accept the opinion of Mr Bhashyam Mr Bhashyam does not give any advice ~~xxx~~ But whatever comes from the Parliamentary Board is adopted by the party We do not seek the help of Mr Bhashyam to support our candidature We do not know whether the parliamentary board ~~xxxxxx~~ decides things justly or otherwise, We are not bothered about it I do not know if Mr Jayamuthraju is in the congress party, but he is not attending any of the congress meetings Party had accepted the nomination of Mr Jayamuthraju as the Parliamentary Board had nominated him I am not aware of what transpired at the time of the Municipal election last year I do not know on what basis the election was set aside I do not know if Mr Bhashyam

occupied

occupied similar position last year also Mr Bhashyam had been requested to be an intermediary this year alone

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The evidence closed on both sides As it is very late in the evening the arguments will be heard to-morrow at 10 A M

30-1-1945 (10 A M)

Preliminary arguments were heard from Mr Raju As it was late (2 P M) Mr Srinivasa Rao's arguments were adjourned for being heard tomorrow at 10 A M

Chairman

31-1-45

The Board met 10A M of Mr Sreenivasa Rao Arguments were heard till 1-15 P M and as both Counsels had other engagements and as on the whole, ~~and~~ points of law were covered by both sides, it was desided that the arguments will be continued tomorrow at 6 P M and then try to finish of whatever time it might take

Chairman

1-2-1945

Arguments closed At this stage, both parties ~~of~~ were of opinion that it would be helpful for the parties in the enquiry if the Ballot Box was opened and votes of the Councillors who had voted for Mr Raju were examined It was decided that the Board would meet at 3 P M tomorrow ~~xxxxxx~~ for purpose of opening the Ballot Box and examination, subject to the condition that the people concerned who will be present will be parties and their Counsels and that they will keep the revelations that may be coming out from examination, to themselves

Chairman

2-2-1945

The Ballot box was examined Seals were in tact Then, it was opened Seals of the packages are also in tact

Examined the Ballot papers and put them back in the respective covers and sealed them properly as before and sent back the Ballot Box together with ~~xg~~ its keys to the Municipal Commissioner for custody

Chairman

5942

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read

Letter No C 1 C P R 13/44- dated 20-12-19 from the Municipal Commissioner, Bangalore City stating that, at the elections held for filling up t offices of the President and Vice President of the Bangalore City Municipal Council for the calendar year 1945, held on 20-12-1944, Messrs M A Gopalaswamy Iyengar and H B Shankarappa wer elected the President and the Vice President respectively

2) Appeal petitions dated 22-12-1944 filed by Mr L S Raju and two other Municipal Councill contesting the validity of the elections of Messrs M A Gopalaswamy Iyengar and H B Shanka referred to above

3) Government Order No L 7190-2/M1 42-44-1 dated 17-1-1945 constituting a Board under rule 8 of the rules regulating the elections of Presidents and Vice Presidents of the City Muni Councils to enquire into he allegations made i the above petitions

4) Correspondence ending with letter No P 44-45 dated 8-2-1945 from the Deputy Commissior Bangalore District, and Chairman of the Board, forwarding the report of the said Board

ORDER NO - L 8292-3/ml

BANGALORE, DATED 28/2

At the elections held on 20-12-1944, Messr M A Gopalaswamy Iyengar and H B Shankarappa wer elected the President and the Vice President respectively of the Bangalore City Municipal Council for the calendar year 1945 Thereupor Mr L S Raju and two other Municipal Councillors filed petitions before the Government, contes the validity of the elections in question on th

on the ground that ~~the same~~ may were vitiated by ~~a~~ certain corrupt practices ~~in as much as Mr.I.T.Bhashyam on behalf of the Congress party designed to secure the votes of Messrs Azizulla Beig and Ghouse Mohiddin for the Congress party candidates in the~~ Council by way of inducing Mr.Azizulla Beig ~~to~~ withdraw his candidature for the ~~office of the~~ Presidentship, on the promise of supporting his candidature for that office ~~for the year 1946~~ Mr Azeezulla Beig accordingly withdrew his candidature and both himself and Mr.Ghouse Mohiddin voted ~~for the Congress candidates.~~

Under rule 8 of the rules regulating the conduct of elections of Presidents and Vice Presidents of City Municipal Councils, the Government constituted a Board consisting of the ~~marginally~~ ~~noted~~ persons indicated in the margin to hold an enquiry in regard to the allegations contained in the petitions and to submit a report to Government The Board accordingly enquired ~~into the matter~~ and submitted a report on 8-2-1945

1 The Deputy Commissioner, Bangalore (Chairman)
2 Mr T N Mallappa, Subordinate Judge Bangalore
3 Mr A J Khaleel, Municipal Councillor elected by the Municipal Council

On a careful and close examination of the facts of the case, and the law bearing on the point Government find that no corrupt practice is proved to vitiate the elections in question

The petitions are accordingly dismissed and the elections of Messrs M A Gopalaswamy Iyengar and H B Shankarappa as the President and the Vice President of Bangalore City Municipal Council respectively are confirmed Separate notifications will be issued in this behalf

20-2-45

LAW SECRETARY TO GOVERNMENT

To -
1) The Deputy Commissioner, Bangalore ~~City.~~
2) The Municipal Commissioner, Bangalore City

Appendix F G—1]

SUBJECT

2 pts

Diary No of letter replied to 4211

General and Revenue Secretariat

( )

the 194

Date of issue 21/2/1941

Signed by Mr G R Rao

Immediate

List of enclosures

odied by

Examined by

1. copies

Section Mil

File No 4244

Serial No 111

No L-8356

~~To~~

Notification

Under rule 9 of the Rules relating to the election of President & Vice President of the city municipal Council issued with notn No L 3957/Mil 56-24 dt 28 11 1924 as amended from time to time, the Gov are pleased to approve the election of Mr M Gopalaswami Iyengar M B.L Advocate, Bangalore as President of the Bangalore city municipal council

By order

Sd/-

Secy to Govt

24161—GPB—60 000—24 10 41

To the Compiler, Mysore Gazette
for publication in Part III-B of the
Gazette

Memo L-8357-9 21/2/45

Copy of the above forwarded c/o
(1) Secretary Cons, A copy for info to Lt Col the Dr Bayley
with reference to his letter no P.C 57/44-45
& 2 1945 + (3) the completion report

BO
for
Dr Lerry, Secretary

Appendix F G —1]

SUBJECT

2875

12 copies

Section 42-44

File No

Serial No 112

Diary No of letter replied to 4211

No L-8360

General and Revenue Secretariat

( )

the *194*

Date of issue 21/2/41

Signed by

Notification

Under rule 9 of the Rules relating to the election of President & Vice Presidents of the city municipal council issued with notification No L 3957/Rd 56-26-14 of 28 11 1924 as amended from time to time, Government are pleased to approve the election of Sri [illegible] Shankarappa as the Vice President of the Bangalore city municipal council

Signature of [illegible]

List of enclosures

Codied by

Examined by

WD 04161—GPB—60 000—24 10 41

Bo

Govn

20 Feb. For Law Dept to pr

In the Computer Alyne Gazette
for publication and post III-3
after Gazette

L-8361-3 21/2/45

Copy of the above forwarded W/C to
the Naval Cdr B Cetty through the DDP
& the Commandant to post for insp^n 2 Wks
Dir Bangalore for insp^n & return of paper
to this letter no P.C. 57/46-45 of 8 2 1945

DDO

for
Dir Res Lab to post

L-8489 23 2 1945

To

~~Messrs~~ Mr L.S Raju, M A (Hons) B L
and other Mc Councillors,
Bangalore City

Sir,

With reference to their Petitions dated the 28 nd Decr 1944 contesting the validity of the elections of Messrs M A Gopalaswamy Iyengar, M A, B L, & H B Shankarappa as Pdt & Vice Pdt of the B City Mc Cl, respectively, Messrs ~~Bas Rajagopalacharya~~ Iam directed to state that the Govt see no reason to set aside the elections

In the Complaint Against Lazelle

already held that Thane et
these petitions are
accordingly dismissed.

Com
23 2 -45

Jno J. Sayles
Clk Law Dept